### Planning & Economic Development Committee Agenda

**Date:** August 16, 2023  
**Time:** 6 pm  
**Location:** City Hall, 108 E Green Street, 3rd Floor, Council Chambers  
**Watch Online:** City of Ithaca Public Meetings YouTube Channel

**Please refer to the second page of this agenda to learn how to participate either by written comment or joining the meeting to speak**

<table>
<thead>
<tr>
<th>Item</th>
<th>Voting Item</th>
<th>Presenter</th>
<th>Time Start</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Call to Order/Agenda Review</td>
<td>No</td>
<td></td>
<td>6:00</td>
</tr>
<tr>
<td>2) Public Comment</td>
<td>No</td>
<td></td>
<td>6:05</td>
</tr>
<tr>
<td>3) Special Order of Business (None)</td>
<td>No</td>
<td></td>
<td></td>
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<tr>
<td>4) Announcements, Updates, Reports (None)</td>
<td>No</td>
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<tr>
<td>5) Action Items (Voting to send to Council)</td>
<td></td>
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<tr>
<td>a) Ithaca Gun Smokestack – Funding Request for Structural Evaluation</td>
<td>Yes</td>
<td>Bryan McCracken, Historical and Neighborhood Planner</td>
<td>6:25</td>
</tr>
<tr>
<td>b) Distributed Energy Resources (DER) Plan</td>
<td>Yes</td>
<td>Rebecca Evans, Director of Sustainability</td>
<td>6:40</td>
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<tr>
<td>6) Discussion Items &amp; Request to Circulate</td>
<td></td>
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<tr>
<td>a) Zoning Permit -- A Proposal to Create a Permit</td>
<td>No</td>
<td>Megan Wilson, Dep. Director</td>
<td>7:05</td>
</tr>
<tr>
<td>b) Draft Unsanctioned Encampments Policy</td>
<td>Yes</td>
<td>Lisa Nicholas, Director &amp; Members of the Working Group</td>
<td>7:20</td>
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<tr>
<td>7) Review and Approval of Minutes</td>
<td></td>
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<tr>
<td>a) June 2023</td>
<td>Yes</td>
<td>All</td>
<td>8:00</td>
</tr>
<tr>
<td>8) Adjournment</td>
<td>Yes</td>
<td>All</td>
<td>8:05</td>
</tr>
</tbody>
</table>

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If you have a disability and require accommodations in order to fully participate, please contact the City Clerk at 274-6570 by 12:00 noon on Tuesday, August 15, 2023.
How to Participate in the meeting:

**Register to Speak at the Meeting Via Zoom**

At 9:00 am on the day of the PEDC meeting, a link will be opened on the Committee Webpage for people to register to speak at the beginning of the meeting. Registration will close at 3:00 pm the day of the meeting in order to allow staff to prepare and distribute an e-mail with the meeting link to the registered speakers. The first hour of the meeting will be dedicated to public speaking. Based on the total number of speakers, speaking times may be adjusted to fit within the public comment period. In person speakers will be called to speak first in order to decrease density in the room. Remote speakers will be called to speak in the order that they were registered. You must be present in the meeting, however you participate, when it is your turn to speak or you will forfeit your time. Remote speakers may use video or telephone to participate.

**Email Common Council Your Comments**

Written comments can be submitted to Common Council using this form: PEDC Public Comment Form. Comments should be submitted no later than 5:00 pm the day before the meeting in order to give Committee members time to review them. Comments received after 5:00 pm will be saved for consideration at the next meeting.

**Watch the meeting Live**

A live stream of the meeting is available on the City’s YouTube Channel: https://www.youtube.com/channel/UC7RtJN1P_RFaFW2IVCnTrDg

Meetings are also archived on this site for on-demand viewings. The agenda and written materials will be posted on the City’s Agenda Center prior to the meeting. Following the meeting, a recording of the proceedings will be posted on the City’s YouTube Channel and minutes will be made available here.
At the June 1, 2023, meeting, Common Council agreed to partner with Visum Development Group (developer) to commission an existing conditions assessment of the Ithaca Gun Company smokestack and authorized staff to work with the developer to identify a qualified consultant to complete this work. After receiving this authorization, staff worked with the developer to identify a consultant that met the qualifications outlined in The Breeze: Amended and Restated Redevelopment Agreement and could prepare a thorough existing conditions report. The consultant had to possess “professional qualifications and expertise relevant to the examination and preservation of historic structures,” and the report had to assess the existing condition of the smokestack, identify deficiencies impacting its long-term survival, and provide cost estimates for any required and/or recommended stabilization or repair work. Four estimates were reviewed, and Vertical Access, a Tompkins County-based consulting firm, was identified as the preferred consultant based on their professional qualifications and the scope of their proposed report. A copy of their proposal is attached for your reference.

Vertical Access proposes a fee of $33,137 to complete the existing conditions assessment of the Ithaca Gun Company smokestack. If the field work is performed between November 15th and March 15th, a 20% surcharge will be applied to the contract to allow for additional costs associated with winter restrictions, additional coordination and uncertainty due to weather conditions. The fee with this surcharge is $35,480. As stated in The Breeze: Amended and Restated Redevelopment Agreement, the City may contribute one-half of this cost.

Common Council is now asked to commit to paying one-half of the cost of the existing conditions assessment and allocate an amount not to exceed $18,000 from the Planning and Building Department’s authorized budget for this use. The requested amount accounts for the off-season surcharge; however, it is expected that the work will be completed before November 15th, thereby eliminating the need to pay this additional fee. The City’s contribution in this scenario would be $16,5569. A resolution is attached for the Council’s consideration.

Staff will attend the PEDC meeting on August 16, 2023, to answer questions, but please contact me at bmccracken@cityofithaca.org if I can assist you prior to the meeting.
Proposal

Ithaca Gun Smokestack
Ithaca, NY

Vertical Access LLC
PO Box 4135, Ithaca, NY 14852
Tel: 607 257 4049 / Fax: 607 257 2129

Proposal Date: September 1, 2022

Client: City of Ithaca

Client Contact: Bryan McCracken

Client Address: 108 East Green Street, Ithaca, NY 14850

Project Name: Ithaca Gun Smokestack Assessment

Project Address: Lake Street, Ithaca, NY

VA Project No.: 22-2642

Project Purpose: Assist the City of Ithaca and Visum Development Group with the evaluation of the Ithaca Gun Smokestack by performing a hands-on inspection of the interior and exterior of the structure and providing an assessment report with recommendations.

Proposed Scope, Terms and Conditions:

Services:
Vertical Access (VA) will perform its services consistent with the skill and care ordinarily applied by similar architects, engineers and technicians performing similar services at the same time and in the same locality. VA will provide a minimum of two personnel on site at all times when performing its services, and will provide all of the equipment necessary to conduct the following scope of services:

To perform an evaluation of the Ithaca Gun Smokestack, VA will complete the following tasks:

- Operate unmanned aerial vehicles (UAV, or drones) to collect imagery of the exterior of the smokestack. The imagery will be used to develop orthophotographic views of the smokestack as backgrounds for documenting conditions as well as an initial understanding of the existing conditions. The drone imagery will help document the condition of the concrete cap at the top of the smokestack.
- Following the preparation of orthophotographic elevation views of the exterior of the smokestack, VA will perform a hands-on survey of the exterior and interior of the
smokestack. During the hands-on inspection, VA will hammer sound the masonry and probe with hand tools as necessary to determine the condition of the materials.

- During the inspection VA will take mortar samples for analysis at a later date if necessary.
- Prepare a Condition Assessment Report with Recommendations (see Documentation and Deliverables below).

VA will not provide any construction services, including, without limitation, demolition, repair, altering, painting, cleaning, or masonry pointing.

Documentation:
VA will document existing conditions using digital still color photography keyed to annotated drawings. To record existing conditions, VA will utilize its own Tablet PC Annotation System (TPAS®) that allows on-site annotation directly in AutoCAD. VA developed TPAS to input both graphical and numerical data directly into AutoCAD, on site, using tablet computers and digital cameras. More information about TPAS may be found on our website: http://www.vertical-access.com/tpas.html. Vertical Access’ Conditions Glossary showing the material libraries used with TPAS can also be found on our website: http://www.vertical-access.com/glossary.html.

With TPAS, existing conditions data are noted graphically in AutoCAD, facilitating interpretation and diagnosis of fault patterns and failure mechanisms. In addition, numerical data pertaining to the faults identified, such as crack length and width are also recorded, in attribute tag format. Areas in disrepair or with other notable conditions will be photographed with the photographs keyed to the background image in the AutoCAD file.

Deliverables:
(1) Condition Survey Report: Following the survey, VA will prepare a Condition Assessment Report with Recommendations based on its field observations. The report will include a written narrative summarizing the findings and providing repair recommendations, color photographs of representative conditions, annotated elevation drawings and a spreadsheet listing the numerical quantities of each condition identified. The report will not include cost estimates.

VA will provide the report in digital formats. Digital files will include a full Condition Survey Report in PDF format, the Report Narrative in PDF format, JPG image files of all survey photographs, annotated elevation drawings in AutoCAD DWG and PDF formats and spreadsheet quantities in Microsoft Excel XLS format. Client may make copies of the Condition Survey Report from the digital files provided.

Total Project Fixed Fee $ 29,500

Note: If the field work is performed between November 15th and March 15th, 20% will be added to the site services labor portion of the fixed fee to allow for additional costs associated with winter restrictions, additional coordination and uncertainty due to weather conditions. The total fee with this “winter surcharge” is $32,000.
Exclusions:
This Fixed Fee proposal does not include permitting for, or provision of, any sort of site protection or bridging, all of which, if required, will be provided by others as may be necessary to protect the public.

This Proposal will remain valid for a period of sixty (60) days and may need to be re-negotiated after that time.

Access to Designated Locations:
Vertical Access (VA) personnel utilize industrial rope access techniques to allow hands-on access in order to perform a close visual examination and hammer-sounding of designated areas. Industrial rope access systems rely on double rope techniques to safely gain access to a variety of structures. Technicians will tie off ropes to structural members, and descend on two fixed lines to perform the investigation. In general terms, technicians are suspended on one rope termed the “work positioning” line with a redundant “fall protection” line used as backup. Hands-off descent control and fall protection devices are integrated into site-specific rigging systems, along with industry-specific climbing and suspension harnesses.

Access to Designated Locations for UAV flight:
Vertical Access (VA) will operate its UAV under Federal Regulations 14 CFR Part 107. The Ithaca Gun Smokestack is located within Class D Restricted airspace, requiring an authorization from the Federal Aviation Administration per 14 CFR Part 107.41]. Airspace designation may change between the submission of this proposal and the anticipated date of fieldwork. VA cannot guarantee that an application for an Airspace Authorization will be approved by the FAA.

In accordance with applicable law, Vertical Access is responsible for the safety of its own employees and will develop a site safety plan prior to beginning services at the building site.

Client Responsibilities:
(1) The Client shall, or, if applicable, shall require that the site owner, prevent its own employees and members of the public from walking or gathering below an area where work is being performed by VA. Client recognizes that it may be necessary to close certain pedestrian paths and public spaces surrounding and within the structure and will take all reasonable measures to do so. Client shall release VA from claims, and shall indemnify and defend VA from and against any claim of whatever kind and nature arising from Client’s failure to perform its responsibility under this paragraph.

(3) Prior to scheduling the survey, the Client shall provide documentation of existing equipment and safety protocols for working in proximity to the structure, if any, including but not limited to hazardous materials.
(4) The Client shall inform VA of the presence of wildlife at the project site, including but not limited to birds of prey and species protected by state or federal law.

**Insurance:**
(1) Vertical Access carries $2,000,000 of Professional Liability insurance and $1,000,000 of General Liability insurance, in addition to statutory requirements for Workers’ Compensation and Disability coverage. A $5,000,000 Umbrella policy and General Liability for UAV operations are also in effect. Prior to providing any services on the site, VA will provide certificates of such insurance to Client. The certificates shall show Client as an additional named insured on the general liability and umbrella policies.

(2) Client shall provide $2,000,000 in general liability insurance and shall name VA as an additional insured on the general liability policy. Client waives subrogation in favor of VA. At least one week in advance of VA’s commencement of services at the site, Client shall provide certificates of such insurance to VA. Receipt of the certificates constitutes a condition precedent to VA’s commencement of services at the site.

**Limitation of Liability:**
To the fullest extent permitted by law, Project Client agrees to limit Vertical Access’ liability to the Client for any and all injuries, claims, losses, expenses, or damages, arising out of or in any way related to the Project or this agreement from any cause or causes, to $50,000.00 or the amount of compensation that VA receives under this Agreement, whichever is higher. This limitation of liability shall apply regardless of the cause of action or legal theory pled or asserted.

**Mutual Indemnity:**
To the fullest extent permitted by law, Client and VA shall each hold the other harmless and indemnify the other for all damages and losses of whatever kind and nature arising under or arising out of this Project, but only to the extent that they are caused by the fault or negligence of the indemnifying party.

**Consequential Damages:**
VA and the Client waive consequential or special damages for claims, disputes or other matters in question arising of or relating to the Project or this Agreement.

**Project Schedule:**
Project schedule to be determined. Vertical Access will schedule the services only after receiving a signed proposal from Client or otherwise executing a written contract with Client.

**Payment Schedule:**
Invoices are due and payable upon receipt. VA will charge interest at the rate of 6% per annum for any amount, not subject to a reasonable dispute, which is unpaid after forty-five (45) days.
Submitted by:

Vertical Access LLC

By: ________________________________________

Name:___________________________________________

Date: ________________________________________

Acceptance of the Proposal

The above prices, terms and conditions of this Proposal are satisfactory and hereby accepted. Vertical Access is hereby authorized to undertake the services set forth herein and payment will be made as outlined, above. Client’s signature below creates a binding agreement between VA and Client, which agreement represents the entire and integrated agreement between the VA and Client and supersedes all prior negotiations, representations, or agreements either written or oral; however, any changes made to this Proposal by Client without VA’s written acceptance shall render this Proposal null and void.

Accepted by:

City of Ithaca

By: ________________________________________

Name:___________________________________________

Date: ________________________________________
ITHACA GUN COMPANY SMOKESTACK – FUNDING REQUEST FOR STRUCTURAL ANALYSIS

WHEREAS, as stated in Plan Ithaca, the City’s comprehensive plan, it is the City’s goal that “all historic resources worthy of preservation will be protected, whether formally designated or not;” and

WHEREAS, the Ithaca Gun Company smokestack is the only remaining architectural artifact from the factory complex of the Ithaca Gun Company, an internationally recognized and respected manufacturer of handcrafted firearms that operated along Fall Creek near Ithaca Falls for over 100 years; and

WHEREAS, the smokestack was identified as having historic and architectural value in the 1990 Reconnaissance Level Survey of Historic Resources, City of Ithaca, New York, and is considered an undesignated historic resource; and

WHEREAS, Common Council approved the Amended and Restated Redevelopment Agreement for the former Ithaca Gun Company factory site (Agreement) at the regular January 4, 2023, Common Council meeting; and

WHEREAS, the Agreement outlines several options for the treatment and disposition of the smokestack, including a process through which the Developer and City partner to prepare an existing conditions assessment of the structure; and

WHEREAS, At the June 1, 2023, meeting, Common Council agreed to partner with Visum Development Group (developer) to commission an existing conditions assessment of the Ithaca Gun Company smokestack and authorized staff to work with the developer to identify a qualified consultant to complete this work; and

WHEREAS, Vertical Access was identified as the preferred consultant based on their professional qualifications, as required by the Agreement, and the proposed scope of their existing conditions assessment, which includes thorough documentation of the smokestack’s existing conditions, identification of deficiencies impacting its long-term stability, and cost estimates of any required repairs; and

WHEREAS, the existing conditions assessment will cost $33,137 or $35,480, as outlined in Vertical Access’s proposal; and

WHEREAS, the City may pay one-half of the cost of the existing conditions assessment pursuant to the terms of the Agreement; and now, therefore, be it

RESOLVED, the City commits to paying one-half of the cost of the existing conditions assessment of the Ithaca Gun Company smokestack; and be it further

RESOLVED, the City allocates an amount not to exceed $18,000 from existing funds in the Planning and Building Department’s 2023 authorized budget for this use.
MEMORANDUM

From: Rebecca Evans
To: Sustainability & Climate Justice Commission
Date: August 7, 2023
Subject: City of Ithaca Distributed Energy Resource Plan

The purpose of this memo is to provide information on the proposed Distributed Energy Resources (DER, The Plan) plan to support the Tompkins Green Energy Network (T-GEN), the City and Town of Ithaca’s developing Community Choice Aggregation (CCA) plan. Consistent with the January 2023 Public Service Commission (PSC) order, municipalities must locally adopt any voluntary investment programs associated with new CCA programs. It is staff’s intention to submit a resolution formally adopting The Plan to the Planning & Economic Development Committee and Common Council within the next month.

DERs, A Reminder
Distributed Energy Resources, or DERs, are efficiency, electrification, and/or power generation and storage units on the consumer side of the electric meter. Common examples of DERs are solar arrays, hydrogen fuel cells, geothermal loops, and battery storage. Less common examples that are included in Ithaca’s DER plan for cooperative investment include electric vehicles, heat pumps, and demand response and virtual aggregation technologies. The purpose of including a DER plan to compliment CCA is to increase the local deployment of renewable energy technologies to avoid costs associated with electricity grid infrastructure investment, avoid problems associated with traditions Renewable Energy Certificates, and decrease carbon emissions.

DERs & the Grid
DERs are valuable tools when trying to reach net-zero emissions. Not only do they decrease the total electricity required to be purchased from the utility, they also avoid costs otherwise required to upgrade grid infrastructure (substations, transformers) as a result of electrification of buildings and vehicles; without DERs those costs would be passed on to rate payers.

Ithaca’s DER Plan, Abridged
The proposed DER plan provides a pathway for customers’ voluntary investment in renewable energy, electrification, and efficiency technologies. The pathway supports both individual investment and cooperative investment. The CCA Administrator will coordinate investment among cooperative customers, according to the following steps:

1. T-GEN Administrator will engage with DER Lenders to provide loans to customers.
2. Lenders then provide the Administrator with data for tracking DER performance and customer ROI.
3. DER systems are designed based on priorities of the customer or cooperative.
4. With City oversight, the Administrator drafts legal agreements between investors, site owners, and users.
5. Administrator manages procurement of the technology on behalf of the customer/s.
6. Cooperative members received monthly dividend based upon legal agreements.
### Responsibilities According to The Plan

<table>
<thead>
<tr>
<th>Activity</th>
<th>Responsible Party</th>
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<tbody>
<tr>
<td>Customer engagement and education</td>
<td>✔️</td>
</tr>
<tr>
<td>Produce draft template legal agreements between customer cooperatives</td>
<td>✔️</td>
</tr>
<tr>
<td>Final approval of legal agreements</td>
<td></td>
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<tr>
<td>Ongoing program oversight and staff reports</td>
<td>✔️</td>
</tr>
<tr>
<td>Development of process for CCA Admin. to propose DER technologies for government operations</td>
<td>✔️</td>
</tr>
<tr>
<td>Manage all electric, gas, and DER supplier procurement</td>
<td>✔️</td>
</tr>
<tr>
<td>State regulatory compliance</td>
<td>✔️</td>
</tr>
<tr>
<td>Data collection, analysis, and reporting</td>
<td>✔️</td>
</tr>
<tr>
<td>Manage customer website, call center, and online account center</td>
<td>✔️</td>
</tr>
<tr>
<td>Manage DER ledger</td>
<td>✔️</td>
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Rebecca Evans will be present at the August 14th meeting of the Sustainability & Climate Justice Commission to provide any additional context that may be needed and to answer any questions. In the meantime, please do not hesitate to reach out via email at revans@cityofithaca.org
What Is Community Choice Aggregation?

**ELECTRICITY**
CCA procures clean energy sources

**DELIVERY**
Investor-owned utility delivers energy and maintains the grid

**CUSTOMER**
Gets cleaner energy, local control and competitive rates
Ithaca CCA

Progress & Timeline

CCA Implementation Plan

- Initial contract with Local Power: 6/22
- Council adopts CCA-enabling Local Law: 10/22
- DPS announces changes coming to CCA regulations: 1/23
- DPS releases final CCA regulations: 5/23
- PEDC: 6/23
- Plan Received: 7/23
- Circulation & public comment: 8/23
- Common Council: 9/23
- Public outreach: 7-10/23
- Opt-out notification: 5/24
- ESCO RFP: 9/23
- Council approval of ESCO contract: 1/24
- Administrator selection: 9/23
- Customer enrollment: 6/24
- Customer enrollment: 6/23
How Does T-GEN Progress IGND Goals?

What T-GEN Will Do

- Purchase electricity & gas on behalf of residents & businesses
- Provide pathways for renewable energy investment
- Provide pathways for the development of microgrids
- Eliminate Scope 2 emissions or 47,628 MT CO2e
- Provide transparency in renewables market and avoid EJ issues associated with RECs

What T-GEN Won't Do

- Replace transmission or distribution infrastructure
- Eliminate delivery rate increases
- Replace NYSEG
### Tompkins Green Energy Network

#### Key Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Basic Service</td>
<td>Default electricity and natural gas supply for all T-GEN customers</td>
</tr>
<tr>
<td>Cooperative</td>
<td>A group formed by T-GEN customers to mutually invest in Distributed Energy Resources (DERs)</td>
</tr>
<tr>
<td>Department of Public Service (DPS) &amp; Public Service Commission (PSC)</td>
<td>Responsible for ensuring safe and reliable access to utilities in NYS, as well as setting utility rates. DPS is the staff arm while the PSC consists of appointed members.</td>
</tr>
<tr>
<td>Distribute Energy Resources (DERs)</td>
<td>Local renewable energy projects or energy efficiency measures (e.g. solar)</td>
</tr>
<tr>
<td>Lender</td>
<td>Local financial institution that is pre-qualified to provide loans to DER customers</td>
</tr>
<tr>
<td>Master Implementation Plan</td>
<td>The document submitted to the NYS Public Service Commission as part of the approval process for a CCA Administrator</td>
</tr>
<tr>
<td>Vendor</td>
<td>DER providers/developers</td>
</tr>
</tbody>
</table>
T-T GEN customers have the option to collectively or individually invest in DERs through loans provided by an approved Lender.

By collectively investing, customers can achieve economies of scale.
Why Is Voluntary Investment Valuable to Customers?

- Net greenhouse gas emissions reduction
- Financial savings (users & owners)
- On-site renewables
- Resiliency in the event of a blackout (renewables & storage only)
Why Is T-GEN's DER Plan Valuable to the City?

But

This allows the building to temporarily power itself.
Why Is T-GEN's DER Plan Valuable to the City?

The microgrid could balance out fluctuations in grid voltage or frequency.
Why Is T-GEN's DER Plan Valuable to the City?
T-GEN
Tompkins Green Energy Network
"THE POWER OF COMMUNITY"

Rebecca Evans
Director of Sustainability
revans@cityofithaca.org
Introduction

The City of Ithaca approved a Local Law establishing a Community Choice Aggregation (CCA) program in 2022 to achieve city-wide decarbonization through Distributed Energy Resources (DERs), which are locally sited renewable energy and energy efficiency measures, and inviting the participation of other Tompkins County municipalities. The purpose of this document is to present to the City of Ithaca Common Council the next “step” in the process for the formation of the CCA: the approval of the City of Ithaca Local DER Plan for CCA (“Local DER Plan”). This document refers to sections of the approved 2022 Local Law, italicized and with the “§” symbol for citation. Definitions of terms appear at the bottom of this document.

The Local DER Plan reflects recognition of the limitations of city-wide decarbonization through Renewable Energy Certificates (RECs) that are referred to as “green” or “renewable” centralized grid power and “net metering.” Instead, the Plan follows a self-consumption strategy for DER design that seeks to provide (1) savings to DER users and (2) a return on investment to DER owners, resulting from the avoided cost of natural gas, electric grid power and vehicle fuel purchasing relative to the cost of DER installation, operation, and administration.

The Local DER Plan recognizes that the goals of the City’s Green New Deal program depend upon the effective engagement of energy consumers that live and work here. The Plan recognizes obstacles to engagement, and seeks collaboration between the City and Town of Ithaca to simplify and standardize participation so that all residents and businesses are eligible and have the opportunity to participate. To be inclusive, the Plan employs both individual investment and cooperative investment.

The Local DER Plan is built upon the CCA policy that organizes a form of cooperation through aggregation of energy demand, and the collective purchasing of electricity and gas supply through the passive mechanism of opt-out enrollment. The Local DER Plan will result in a program that offers each CCA supply-enrolled customer an entirely voluntary option to become Site Owners and/or Users of DERs: a deliberate facilitation to reduce the amount of grid power and natural gas supplied to the CCA customer. Use of
DER-connected electric vehicles (EVs) will also physically reduce gasoline and diesel use.

By uniting these functions under the Local DER Plan, the City enables an organized and deliberate transition from electricity supply to DERs for all "addressable" sources of carbon: power, heat, transportation, and waste.

In 2023, the New York Public Service Commission (PSC) issued changes to existing rules and created new rules for CCA programs. One of the changes places voluntary DER Provider processes under the control of local municipalities, rather than under the jurisdiction of the PSC, with which businesses must register in order to serve as DER Providers in New York. The City of Ithaca defined its CCA program through an act of Local Law, including a detailed approach by the CCA Administrator to plan DER activities. Inclusive of new changes to PSC rules for CCA in New York, the City’s steps following the (1) passage of the Local Law in 2022, will be (2) adoption of this Local DER Plan, (3) selection of a CCA Administrator and its Master Implementation Plan, (4) participation in communication and outreach for the Local DER Plan, and (5) selection of electricity and gas supply following RFPs submitted by the CCA Administrator.

**Distributed Energy Resources (DER) as Authorized by the Local Law**

In 2022, the City of Ithaca and Town of Ithaca also adopted similar CCA Local Laws to create a CCA program, define its purpose, articulate a structure, and authorize activities of the City and a CCA Administrator to implement the program. DER as introduced in the Local Law is as follows.

*The City of Ithaca has long demonstrated its commitment to sustainability and community-wide greenhouse gas reduction from energy use, transportation, land use and waste management. On June 5, 2019, the City established a goal of achieving a carbon neutral city by 2030, including requirements to eliminate greenhouse gas emissions from energy use and electricity generation. On May 5, 2021, the City adopted a new Energy Code Supplement. On November 3, 2021, the City established a goal to increase energy efficiency and reduce greenhouse gas emissions from energy use in existing buildings by promoting city-wide Energy Efficiency Retrofitting and Thermal Load Electrification. Following electrification of thermal loads, electricity use will become one of the most significant contributors to local greenhouse gas emissions in new and existing buildings.*

*For the City to reduce greenhouse gas emissions from electricity use in existing buildings it is necessary to enable access to reliable and affordable "24/7*
carbon-free electricity ("CFE")." For the City to promote access to CFE, it may choose to accelerate the deployment of Distributed Energy Resources ("DER") such as solar photovoltaic panels and energy storage systems, as well as to examine the retail energy markets and increase participation of "Eligible Consumers" in those markets. Among the foremost policies and models to increase access to affordable CFE in the state of New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the supplier(s) of electricity on behalf of Eligible Consumers.

This Local DER Plan is a voluntary act of the City of Ithaca to further define, support, and promote the program implemented by the CCA Administrator, and to cooperate with the CCA Administrator in DER ownership opportunities within the City. This Local DER Plan creates a process for municipal support and oversight of DER activities by the CCA Administrator. This plan also defines the method of compensation for a CCA Administrator for DER implementation, the specific figures for which will be determined by negotiation with a CCA Administrator that is selected to run the program.

Based upon the City of Ithaca’s adopted CCA Local Law, the Local DER Plan specifies how the DER components not under the standard template procedure updated under the new PSC rules changes for selecting the CCA Master Implementation Plan will be implemented by the CCA Administrator. The Local CCA Plan further specifies how the City will provide support for CCA and DER programs to launch and maintain continuing DER development for the duration of the program.

As the Local Law specifies, this program is authorized in part by the PSC and in part by the City of Ithaca, under both Local Law and New York State PSC CCA and DER rules and procedures.

§2.L. "This Chapter establishes a program ("CCA Program") that enables the City of Ithaca, in conjunction with the Town of Ithaca and any other municipal governments in Tompkins County who may elect to join the CCA program at a later date, to work together using a shared purchasing model to put out for bid the total amount of electricity and natural gas being purchased by Eligible Consumers within the jurisdictional boundaries of participating municipalities. The program will offer service to every Eligible Consumer in its service territory, including Municipal Accounts."

§2.N. "The City of Ithaca is authorized to implement this CCA Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice
Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission (PSC) issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the City of Ithaca.”

The Local DER Plan reflects the Local Law in using a CCA Administrator to manage the CCA and DER activities on behalf of the City.

§3.C. “The City of Ithaca may select a third party as CCA Administrator [for] such purpose to the full extent permitted by the Order, as set forth more fully herein, and shall include a process for other municipalities in Tompkins County to join the CCA.”

The CCA Administrator will implement a city-wide DER voluntary investment program.

§2.K. “The CCA Administrator will administer energy services in a manner that expands access to solar and other Distributed Energy Resources by offering optional enrollment of Eligible Customers in voluntary investments in DER. The CCA Administrator should administer a bookkeeping, financing and Customer engagement umbrella for any resident, business or municipality joining the regional aggregation.”

This program will employ standard agreement templates that the CCA Administrator will draft for co-investment by different kinds of customers for different kinds of DERs. The CCA Administrator will submit proposed templates to a designated City representative for a sign-off before they are made available to prospective DER voluntary investors. Proposed templates will be adapted to customer and DER types to provide a voluntary investment opportunity for any type of electricity or gas customer who has been enrolled in CCA supply and elects to invest in Shares of DERs.

This program does not seek to form a utility and will not seek to build conventional transmission lines. Transmission/delivery will continue to be the responsibility of New York State Electric & Gas (NYSEG).

§3.L. “The operation and ownership of the utility service shall remain with the Distribution Utility. The City of Ithaca’s participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Ithaca shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service but will instead negotiate with Suppliers on behalf of Eligible Consumers.”
The core decarbonization mission as stated in the Local Law, and implementable through the Local DER Plan, is to decarbonize buildings with interoperable DERs designed for self-consumption, including appliance automation, demand dispatch, nanogrids, microgrids, thermal loops, micro-districts and mini-districts, on and where desired and feasible within properties, and between adjoining properties throughout the City. It is the purpose of this program to design and install DERs in a manner that significantly reduces DER Users’ demand of greenhouse gas-producing heating and transportation fuels, by providing a majority of Users’ energy needs with onsite DERs. It is also the intention of this plan, where desired and feasible, to install EV chargers at or near DER sites on sidewalks, public properties and municipal rights of way, as well as on municipal properties and meters. This program establishes a planning process between the CCA Administrator and City of Ithaca to accomplish this mission.

This program is city-wide, extending eligibility for DER share ownership to all community members, encompassing power, heat, transportation and waste. A robust and cooperative relationship between the CCA Administrator and the City is a critical component for a successful local energy transition. Most people cannot do this alone. Engagement must be actively supported and coordinated in a sustained manner to provide public awareness of the CCA DER program and effectively engage residents and businesses over time.

The CCA Administrator will provide similar work for other municipalities that join the City and Town of Ithaca, or with a group formed by Intermunicipal Agreement (IMA) if one is created. Details on a potential IMA follow in subsequent sections.

§10. “Furthermore, the CCA Administrator may provide direct technical support to other member municipalities who need assistance analyzing data, identifying DER sites, engaging customers in voluntary investment, and pre-qualifying contractors to bid on projects.”

Description of City of Ithaca Local DER Plan for CCA

I. Approach

The Local DER Plan will offer universal eligibility for sharing of Distributed Energy Resources (DERs), in order to localize investment and economic benefits for energy Users and co-investors in their neighborhood and City. In addition to administering a conventional CCA electricity and gas supply program under PSC oversight, the CCA Administrator will administer a local DER program under municipal oversight, consistent with the 2023 PSC Order.
The program offers a broad range of technologies configured for maximum physical decarbonization across all four sectors of “addressable carbon.” A broad sector of options in electricity, heating and cooling, transportation, and waste provides people with more choices and flexible ways to participate, and higher levels of participation to reach climate goals.

The program is focused on community and online engagement and robust use of municipal communication platforms to provide ongoing education and outreach, in order to both inform and simplify participation for all community members.

The program is focused on physical sharing by neighbors and collocation of DERs in order to achieve economies of scale to increase the affordability of DER technologies for more people, which can also increase participation.

The program is focused on DER systems design for onsite consumption in order to 1) avoid imposing costs on distribution utility customers, and 2) minimize grid upgrade delays by the utility. This approach facilitates the accelerated installation of DERs by a greater number of customers than would otherwise be feasible under conventional net metering programs and is more appropriate for city-wide approaches to decarbonization.

Finally, the program’s inclusiveness enables a multi-site acquisition approach to DER development in order to achieve a desired scale of climate impact in a timely way.

II. Decarbonize All Addressable Carbon through DER

Paths to decarbonizing electricity are blocked by the legacy energy system. The grid has reached its limits as a business model and is itself a cause of carbon emissions as a result of losses during energy transmission and the need for spinning reserves. Much of a building’s energy requirements can be generated on-block, making strictly centralized business models of renewables, like net metering, increasingly economically obsolete. REC trading regimes dilute carbon benefits, cause new environmental justice issues, confuse consumers and undermine public trust in renewables as a climate pathway. Energy from renewable technologies is already competitive with market power, and much more stable in price. Sharing technologies like electric vehicle sharing and renewable nanogrids, microgrids, thermal loops, micro-districts and mini-districts are widely demonstrated niche markets. An effective program for engaging voluntary investors and helping them design and solicit DERs can reduce engineering costs to make DER even more competitive in price, in order to increase participation levels. The CCA Administrator is charged with this physical transition of building decarbonization as defined in the Local Law.
§3M. “To create the necessary capacity to run the program, this Chapter establishes a third party based process, using a CCA Administrator to manage a community-wide energy transition, administer multiple suppliers and community-owned DERs on a citywide, building-by-building and block-by-block level in the City of Ithaca, and offer support to other subsequent municipalities that join the CCA program, to facilitate enrollment, reporting and bill processing for voluntary investment by residents and businesses within their jurisdictional boundaries.”

The CCA Administrator will engage DER Lenders to provide loans for DER, establishing a process to track performance of a customer’s DER investment including a list and analysis of DER costs, avoided energy costs, and net savings.

§3E. “The CCA Administrator may act as Energy Loan Account administrator to engage, prequalify, list, and track the performance of the loan accounts of Eligible Consumers who elect to voluntarily invest in DERs.”

A. Aggregating Local DER Demand

Third party DER Providers are siloed by technology, dependent on utility tariffs, and are often either not advanced enough in their technology applications (e.g., stand-alone solar PV), or are prohibitively expensive for many consumers (e.g., solar PV plus a wall battery). Disorganized customers generally lack information to choose or evaluate advanced local renewable energy systems. Disintegrated energy choices in current markets separate decision-making about electricity, heat, transportation, and waste into isolated acts. Disaggregated customers lack market power to achieve project economies of scale, and often cannot afford additional engineering costs associated with more advanced DERs.

The CCA program approach to these decarbonization challenges is to engage Users in replacing multiple fossil fuel uses with DERs onsite or in the neighborhood. Renewable electricity sharing systems require cooperation in a building. Power and heat sharing systems require aggregation and facilitation. Sharing in a neighborhood requires an agreement between DER Users and interested neighbors. Changes in waste management practices and public sector energy projects require ongoing coordination between a municipality, local and regional agencies and service providers. The CCA Administrator will prioritize the support of local agencies and services in order to facilitate coordination of DER investment.

B. Serving “All Energy”

The CCA DER program will decarbonize city-wide through diversified local DER investment to decarbonize power, heating and vehicles through electrification bundled with onsite renewables
and efficiency measures. On a parallel track, the program will seek to help local waste managers decarbonize waste management through waste separation and conversion practices. DER measures by carbon source include:

- Onsite renewable plug loads
  - Onsite renewable microgrid
  - Onsite renewable nanogrid
  - Energy efficiency measures
  - Appliance integration
  - EV integration

- Onsite solar electric powered, geothermal, and solar heat
  - Thermal loops, micro-districts, and minidistricts
  - Heat pumps

- Switch to onsite EVs
  - Onsite RE chargers for self-consumption (V2B)
  - EV sharing
  - Sharer EV rental
  - Neighborhood renewable EV renting

- Engagement of CCA municipalities to reduce solid waste and sewer waste dumping and incineration
  - Separation
  - Re-use (e.g., composting)
  - Conversion to hydrogen for DER
  - Detoxification and/or sequestration of toxic residues

C. DER Design

DERs will be designed to avoid distribution system obstacles to city-wide decarbonization (e.g., upgrade costs). Self-consumption, rather than net metering and export of electricity, will incorporate electrification to onsite renewable heat, and use of DER-connected electric vehicles. A DER will significantly reduce, but is unlikely to eliminate grid use, and may entirely eliminate a User’s natural gas consumption. The program will facilitate sharing by neighbors and collocation of shared heat, power, and EV facilities, by designing DER technology to fit Users’
onsite energy needs, to facilitate neighbor sharing and ensure interoperability of DER components to facilitate self-consumption. DER systems will be designed under a non-exporting specification, and where feasible, will incorporate an “islanding” capability for onsite grid autonomy.

DER sharing platforms will consist of singular and combined stakeholder microgrids, nanogrids, and/or thermal loops using multi-stakeholder cooperative ownership for membership use and sharing of DER. Sharing will employ a multi-benefit microgrid ledger in which ownership is split between DER Users and Owners, with energy savings resulting from DER use shared between them. Owners, partners, and stakeholders may include citizens, small businesses, tech services providers, and government entities. DER systems will range from installations in single family homes or small to medium sized businesses, to larger DERs on multi-residential buildings, mixed use buildings, large commercial buildings, and/or government facilities.

III. Individual Voluntary Investment

Individual consumers may also voluntarily invest singularly in DER products that provide onsite renewable packaged with interoperable electrified heating and/or transportation.

Renewable energy technologies adapted to DER site conditions and User group energy needs will be combined with electrification and efficiency measures to deliver significant onsite energy self-consumption.

All DERs, including DER designed for individual voluntary investment participants, will be designed for self-consumption.

Using an electric vehicle and switching heating systems, as well as energy efficiency measures, will be bundled together in packages to deliver self-consumption to the DER user.

Depending on an individual investor type and size, a DER package may include a nanogrid, microgrid, thermal loop, micro-district, or mini-district.

For purposes of this document individual investment, involving a sole-financed and owned project with only one investor/owner, means that the participant is both the DER User, 100% Share owner, and exercises site control where the DER is installed.

IV. DER Cooperation and Sharing: Users, Sharers, Site Owners

Cooperatives will facilitate universal access to DERs by enabling greater stakeholder diversity, and enhancing community education, inclusion and sharing for the program. Cooperative
Agreements will be entered into through mutual negotiation between Members, in compliance with the relative legal instruments, and will be signed by authorized representatives of the parties. There are three different types of Members, some acquiring ownership Shares in, some also using, and others providing sites for DERs:

- Users
- Sharers
- Site Owner(s) may receive payment for DER lease(s) or other permission(s)

The approach will be flexible and sensitive to site control options. Site Owners may own, use, and share DER at their discretion. A User’s options to own, use, and share DER will be based in part on the Voluntary Investment option chosen by a Site Owner. Sharers who do not own or hold a long-term lease for their dwelling/enterprise, or own or lease a building ill-suited to DERs, may purchase Shares without being Users, or may in the future become Users if conditions permit. User(s) and Site Owner(s) will work with the CCA Administrator to determine how many Share applicants are allowable for individual DER projects, or may self-organize their own Sharer group.

Users will function as off-takers of energy from a DER system and will compensate Sharers.

EVs are an important part of cooperation because they may be used by participants whether or not they occupy a building with DERs.

Every share, whether owned by a User, Sharer, or Site Owner, will receive a monthly percentage of overall Co-op net savings. Apart from DER loan repayment, savings from avoided electric, natural gas and vehicle fuels will be shared monthly income divided between the Shares. The CCA Administrator will prepare and submit Standard Cooperative Agreement template(s) for review and sign-off by designated City staff, for use by DER Cooperative groups to define the terms between Users, Sharers, and Site Owners of a DER project. Individual Agreements are those entered into by individual Site Owners who wish to invest in DER individually.

The process of creating Cooperative Agreements will be as follows:

- Cooperative Agreement Standard Template sign-off by a representative of the municipality
- Cooperative Agreement signed by Users and Site Owners
- Sharers enrolled
- DER Loan Processed
Under the Shares approach, prospective Users will form a Cooperative, with agreement of the Site Owner(s), which will establish the terms of usage. Sharers must agree to the terms of the Cooperative Agreement, become Members of the Co-op as Sharers, and purchase Shares that are defined within the terms and limitations of the Co-op’s adopted Cooperative Agreement.

A Cooperative group will contract with prequalified DER Vendor(s) and DER Lender(s) solicited by the CCA Administrator, who will employ an RFI/RFP or RFQ and “Job Order” procurement approach.

The CCA Administrator manages procurement on behalf of residents or businesses who sign up to voluntarily invest in local and onsite DERs.

V. Roles of the CCA Administrator

The CCA Administrator will manage electric, gas and DER supplier procurement, as described the PSC-filed Master Implementation Plan and the City of Ithaca’s CCA Local Law, and will prioritize inclusivity in the energy transition.

The CCA Administrator will be responsible for regulatory compliance with state agencies for CCA and DER activities, CCA electricity, gas and DER procurement, RFP drafting, management, analysis, DER Lender prequalification and cooperation.

The CCA Administrator will be responsible for managing DER site acquisition and will provide a supporting role in DER site planning and permitting activities for multi-site acquisition of Site Owners and building occupants (DER off-takers).

The CCA Administrator will be responsible for representing the program to the City’s staff and governance boards, managing communication processes and participating in public hearings, and providing support to City staff for coordinating municipal agency cooperation and partnership activities, including state agency and university cooperation and partnerships, and applications for state, federal and nonprofit funding.

The CCA Administrator will manage data, data collection, analysis and reporting with the City, Customers, Voluntary Investors, and the PSC, including the following:

- Data analysis including GIS, Profits and Losses Modeling, CCA customer-specific confidential data collection, management, and use for DER facility siting, design, tracking and reporting to customers
- Data sharing with DER Vendors and Lenders for billing, updating Voluntary Investor web portals and reporting purposes
○ CCA program performance reporting to the City and PSC
○ DER project performance reporting to customer
○ Summary of DER projects and program performance to the municipality, analyzing performance and recommending program improvements, needed changes and new procedures to improve program performance for municipal sign-off or Common Council action
○ Contractor performance evaluation, database of warranties and agreements

● Direct communication to diverse customer groups

The CCA Administrator will utilize the following steps for DER development:

● Data, survey, site analysis
● User enrollment
● Site acquisition
● Planning
● Cooperative Agreement or individual customer commitment to consider DER Provider proposal(s)
● RFP bid acceptance
● Permits
● Shares enrollment by neighbors
● Finance/loan
● Finalize contract with DER Provider(s)
● Track DER installation
● DER data tracking/reporting

A. CCA Administrator Enrollment of Participants in DER Voluntary Investment

The CCA Administrator will manage enrollment of CCA customers as Voluntary Investors and administer dedicated billing and reporting for Sharers and Users of a DER.

CCA “Eligible Consumers” will become eligible for DER Voluntary Investment as described in the Local Law:

§3F. “The CCA Administrator may directly administer opt-out notification communications to Eligible Consumers, or and may offer in addition to the option of opting out, two additional options; (i) to “opt-up” for a loan to purchase Shares in a neighborhood DER project, and (ii) an option to “opt-with” neighbors in a Cooperative to own and operate onsite DERs.
G. The CCA Administrator may offer a DER project or product to any Eligible Consumer to purchase Shares in DERs or to join with neighbors to form a Cooperative to directly own and operate DERs.

The CCA Administrator will manage a DER Sharer/User ledger for the Members of each Cooperative, according to the terms of its Cooperative Agreement. Payments between Users and Sharers will be administered by the CCA Administrator.

H. The CCA Administrator may create a system of credits or direct payments to compensate each participant for such equity, and may transfer collected premium payments into the Customer’s Energy Loan Account.

The CCA Administrator will separately prequalify and engage DER Lenders to provide loans to Voluntary Investors. The CCA Administrator will also prequalify City-designated partners or other low-cost financing options to offer building decarbonization financing products to CCA Customers.

I. The CCA Administrator may organize and administer low-cost financing options for all Eligible Consumers, including the partners enrolled in City of Ithaca’s Energy Efficiency Retrofitting and Thermal Load Electrification Program, and may offer other approved sources of financing, such as Climate Bonds.”

As per PSC rules, the CCA Administrator may work with one or more Program Organizers to educate and engage both Customers in the City of Ithaca and the municipal governments in and around Tompkins County to join the CCA/DER program.

§3K. “The CCA Administrator may choose to engage one or more Program Organizers to assist in the education and engagement of Eligible Consumers and municipalities in Tompkins County to participate in the CCA program.”

The CCA Administrator will offer Basic Service and voluntary investment to every customer, including Assistance Program Participants (APP) customers, enrolled in the CCA program. The CCA Administrator will engage the Tompkins County Department of Social Services to seek permission to enroll APP customers in the program.

“§4A. All consumers within the City of Ithaca, including residential and non-residential, regardless of size, shall be eligible to participate in the CCA Program’s Basic Service, which requires different methods of enrollment to be used for different NYSEG customer classifications.

B. All Participating Consumers that are members of New York State Electric & Gas (NYSEG) SC 1 Residential Service, SC 6 General Service and Gas SC 1 Residential
Service, SC 2 General Service shall be enrolled on an opt-out basis except for consumers (i) that are already taking service from an ESCO, (ii) that have placed a freeze or block on their account, or (iii) for whom inclusion in the CCA Program will interfere with a choice the customer has already made to take service pursuant to a special rate. Those electricity consumers may be enrolled on an opt-in basis, alongside all other NYSEG service classifications, including (i) for electricity service, SC2 General Service with Demand Metering, SC3 Primary Service 25 KW of more, SC5 Outdoor Lighting Service, SC7 Large General Service with Time-of-Use Metering, SC8 Residential - Day Night Service, SC9 General Service - Day Night Service, SC10 Cogeneration or Small Power Production/Sale of Energy to the Corporation, SC11 Standby Service, SC12 Residential Service with Time-of-Use Metering, SC13 Competitive Alternative Industrial Service, and SC14 Large Economic Development Service; and (ii), for gas service, SC3 Interruptible Sales Service, SC4 Natural Gas Motor Vehicles, SC5 Seasonal Gas Cooling Service, SC6 Standby Sales Service, SC10 Non-Residential Distributed Generation Firm Sales Service, SC11 Residential Distributed Generation Firm Sales Service. The City of Ithaca will include all of its electricity and natural gas accounts to participate as an opt-in customer in the CCA program at the earliest possible date.

C. New Consumers whose electric and/or gas NYSEG meters are eligible for opt-out enrollment, including SC1 Residential Service 1 and SC6 General Services 6 shall be enrolled in Basic Service on an opt-out basis. New Consumers whose meters are eligible for opt-in service shall be offered service and enrolled on an opt-in basis.

D. The City of Ithaca will actively seek to offer service to Low- to Moderate-Income residents who are Assistance Program Participants (APPs) and are enrolled in products that comply with requirements for ESCO service of APPs at the time of enrollment and will be enrolled on an opt-out basis. The CCA Administrator will consult with local and state social services program administrators in considering whether and how to include APPs, specifically for programs where social services organizations receive and pay the resident’s energy bill.

The PSC’s 2023 Order and Rules preclude utility billing support for voluntary DER products organized by CCA Administrators as a “value-added service,” therefore the CCA Administrator will facilitate a separate billing platform for Users and Sharers of DERs.

E. The CCA Administrator, on behalf of the City of Ithaca and participating municipalities, shall issue one or more requests for proposals to Suppliers to provide energy and related services to participants and may then award a contract in accordance with the CCA Program.”

§5A. “An opt-out letter, printed on municipal letterhead, shall be mailed to Eligible Consumers at least 30 days prior to Eligible Consumer enrollment. The opt-out letter shall include information on the CCA program and the contract signed with the selected ESCO and/or DER provider(s), including specific details on rates, fees, services, contract terms, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that Eligible Consumers that do not opt out will be enrolled in the CCA program under the contract terms and that information on those Eligible Consumers, including energy usage data and Assistance Program Participant (APP) status, will be provided to the ESCO and/or the DER provider(s). The opt-out letter shall also explain that the CCA Administrator will be authorized to enroll Customers in DER projects through an Opt-Up and Opt-With process as defined by this Local Law and communicate such enrollment to the Distribution Utility under relevant PSC-approved rules and tariffs, so that Customers signing up to participate in investment may receive applicable billing and credits from the Distribution Utility, and communicate Opt-Up and Opt-With enrollment information to the CCA Administrator for Energy Loan account processing and management.”

Per PSC rules that allow municipalities to define voluntary “Opt-in” value added services for DER, the CCA Administrator will organize Share customers as Users as an “Opt-With” enrollment. Opt-With customers will voluntarily invest in a local DER project through a Cooperative. For Customers unable to be Users but wishing to invest in Shares, the CCA Administrator will enroll Sharers as an “Opt-Up” enrollment. Opt-Up and Opt-With customers will make payment either as part of an Energy Loan Account or directly if no energy loan is required, in order to voluntarily invest in a local DER project in the form of Shares.

The CCA Administrator will assist participants relative to Cooperative, Vendor and Lender engagement processes.

“Eligible Consumers with electric and/or gas accounts that choose to enroll in Basic Service may be offered a Shares service on an “Opt-Up” basis, based on availability of DER projects, or in a Cooperative Microgrid service on an “Opt-With” basis, according to the availability of participating neighbors and building owners. Both Shares and Cooperative Service offerings will appear for voluntary enrollment on CCA opt-out notifications. A choice to “Opt-Up” for Shares will place a consumer on a list to participate financially in a nearby DER project once it is available. Acceptance will include a loan and bill credit or direct payment schedule, as appropriate. Enrollment in Shares will thus occur following the Customer’s signature on an Energy Loan agreement. A choice to “Opt-With” neighbors and building owners to form a Cooperative will place a consumer on a list to participate physically in an onsite DER project once it is
available, followed by processing of a Cooperative Agreement on behalf of the applicants by the CCA Administrator. Acceptance in Cooperative Service will include a loan and repayment schedule with each Customer. Enrollment in Cooperative Service will occur following execution of loan agreements with prequalified lenders.”

As per PSC rules, The CCA Administrator will assist the City in its Data Security Agreement with NYSEG. The CCA Administrator will coordinate data collection with Suppliers, and make all collected data available to the City at its request.

“A. The City of Ithaca and other CCA member municipalities joining the CCA program, will share energy data and other data with the CCA Administrator to tailor DER products to Eligible Customers, to facilitate customer engagement, program administration, operation, billing and collection.
B. Through the CCA Administrator, the City of Ithaca may request Aggregated Data and Customer-Specific Data from the Distribution Utility, provided that the request for Customer Specific Data is limited to only those Eligible Consumers who did not opt-out once the initial opt-out period has closed.
C. Customer-Specific Data shall be protected in a manner compliant with, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City of Ithaca or its representative’s processing of confidential utility information; (ii) the utility’s internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the City of Ithaca or its representative’s processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.
D. The City of Ithaca must enter into a Data Security Agreement with the Distribution Utility for the purpose of protecting customer data.”

The CCA Administrator will establish and manage a customer call center and a customer-specific online account system. Customer service will include direct mail and be referenced in City of Ithaca CCA and DER Outreach and Education activities.

§8. Customer Service
“Customers shall be provided customer service by the CCA Administrator, including a toll-free telephone number available during normal business hours (9:00 A.M. – 5:00 P.M. Eastern Time, Monday through Friday) to resolve concerns, answer questions, and transact business with respect to the service received from the Supplier, as well as a
secure customer-specific online account, scheduled direct mail, and messages inserted into scheduled City of Ithaca direct mail and public notices.”

The CCA Administrator’s DER Outreach and Education activities – via municipal communications, web communications, and direct mail - will include the following:

- Prospective Cooperatives engaged by group based on building occupancy and Site Owner authorization
- Shares participants engaged individually based on sign-up and enrollment authorization
- Cooperative group facilitation and data sharing between participants
- Monthly educational messages about program using municipal channels
- Performing requested data analysis for any customer
- Enterprise web site management with customer specific accounts
- Free media, direct mail, monthly live public webinars
- Recorded webinar series

The CCA Administrator’s Voluntary Investor engagement activities will include the following:

- Assist in public community meetings
- Create and manage DER RFPs with DER Providers
- Engage Common Council/Town Board/ Intermunicipal Agreement and an advisory group in developing Community DERs on municipal properties, equipment, and fleets
- Solicit DER Users
- Solicit DER Sharers
- Engage social service agencies and community organizations to solicit APP and LMI shares investors
- Engage neighbors to sign Cooperative Agreements including occupants and owners, residential, commercial and institutions
- Engage individuals to participate in local DER voluntary investment
- Engage (non-APP) Low- to Moderate Income residents
- Engage large commercial customers in Basic Service and DER voluntary investment
- Provide the municipality, on a monthly basis, all materials and messaging for its municipal public distribution, web site, notices, and communications platforms

The CCA Administrator’s primary customer engagement method will be as follows:

- User - web, mail
- Sharer - web, phone
- Site Owner - phone, mail
The CCA Administrator will maintain a website and online customer relationship management and/or customer engagement system to augment customer service.

The CCA Administrator’s DER User engagement, including Outreach and Education, Site Owner consent and contracts, will be as follows:

- Site acquisition, lease writing, support for planning, permitting
- Co-op education, outreach, engagement, and implementation
- Cooperative Agreement writing including Shares, Users and Site Owners
- Shares customer education, outreach, engagement, and enrollment
- Shares term sheet based on Cooperative Agreement

The CCA Administrator’s Sharer engagement, including waitlisting, enrollment, and Sharer Agreement, will be as follows:

- Opt-out notification information and links to DER web page and Customer Service number
- Customer-specific web account
- Explanation of co-op terms
- Web and phone support for contract signing

The CCA Administrator’s Individual DER Voluntary Investment engagement will provide DER procurement for individual Owner/Users.

The CCA Administrator will use data only for procuring and maintaining records for customers with respect to CCA suppliers and DER providers, as specified in the Local Law:

§F. “The CCA Administrator will then request individual customer data for the accounts of Eligible Consumers located within the jurisdictional boundaries of the City of Ithaca from the Distribution Utility in accordance with the CCA Program.

H. In accordance with and for purposes of the Order, the existing Distribution Utility, New York State Electric & Gas Corporation, will provide to the CCA Administrator aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service-addresses) of all Bundled Customers in the Town of Ithaca not currently enrolled with an ESCO.

I. The CCA Administrator and the City of Ithaca will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.”
The CCA Administrator will facilitate communication in collaboration with the City to engage with Voluntary Investors. Approved communications will reflect recognition of the program as community-driven and as facilitating communitywide decarbonization, in which all residents and businesses are eligible to own and/or use neighborhood-sited DERs. A municipally designated representative of the City may review and sign off on these messages ahead of release.

B. CCA Administrator Engagement of DER Vendors and Lenders

The CCA Administrator’s engagement of DER Vendors, Lenders, and Site Owners will include:

- Define Vendor program
- Prequalify DER Vendors
- Issue RFPs
- Negotiate contracts negotiation
- Confirm Data Sharing Agreement
- Define Lender program
- Solicit bank participation
- Prequalify DER Lenders
- Secure DER leases
- Solicit owner participation in DER voluntary investment
- Negotiate building owner provisions in Cooperative Agreement

C. CCA Administrator DER Reporting

The CCA Administrator will separately provide annual Local DER Reports to an individual customer, the City, and the Public Service Commission.

§13. “Reporting. A. Annual reports shall be filed with the City Council of the City of Ithaca by March 31 of each year and cover the previous calendar year.
B. Annual reports shall include, at a minimum: number of Customers served; number of Customers canceling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g. installation of DER or other clean energy services); and administrative costs collected. Information shall be broken down by municipality, where applicable. The first report shall also include the number of Customers who opted-out in response to the initial opt-out letter or letters.
C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.”

D. CCA Administrator Compensation
The CCA Administrator’s compensation for work performed on behalf of the DER Voluntary Investment program, as defined in the Local Law is:

§12. “Loan Account Management Fee. The CCA Administrator and/or the City of Ithaca may collect, or cause to be collected, funds from customer payments to pay the designated CCA Administrator for administrative costs associated with running the Energy Loan service.”

The contract with a CCA Administrator will involve a two-year term with an option to renew. The CCA Administrator will charge a DER procurement fee that is a fixed percentage of project value, to be negotiated between the City and CCA Administrator in a CCA Administrator Agreement, which will be paid to the CCA Administrator irrespective of which DER Vendor or DER Lender is selected. Compensation shall be paid either upon commissioning of DER as an upfront payment by the DER Provider or included in a DER Lender loan and paid on an ongoing basis as percentage of monthly loan repayment for the full maturity, as is required by the City and accepted by the CCA Administrator. Customers who self-finance DERs and do not require an energy loan will pay the DER procurement fee as part of the installed system cost up-front or in installments.

VI. Roles of the Municipality

A. Engagement with CCA Administrator and CCA Member Municipalities

The CCA Administrator will report to the City’s CCA Advisory Group as well as individually to a designated City representative. The CCA Administrator will continue to have regularly scheduled Zoom meetings every two weeks with the Advisory Group and once a week with the designated City representative. A CCA Advisory Group was established by the City of Ithaca’s Local CCA Law to develop and review CCA related proposals, to act as the City of Ithaca’s agent in approving proposals, and where appropriate to forward information regarding such approvals to the Common Council for ratification. Membership in the CCA Advisory Group will include City Staff and City of Ithaca Common Council members. The CCA Advisory Group will host the meetings on the City and/or Town’s Zoom account or in person as its members deem appropriate.

§10. “CCA Advisory Group. A. A CCA Advisory Group is hereby established to develop and review CCA related proposals, act as the City of Ithaca’s agent in awarding said proposals, and forward information regarding such awards to the Common Council for ratification.”
B. Membership to the CCA Advisory Group shall include City Staff and City of Ithaca Common Council.”

An Intermunicipal Agreement for the City and Town of Ithaca will be signed to coordinate their DER programs in addition to procuring CCA supply through the CCA Administrator. The IMA will be developed following the approval of this Local DER Implementation Plan and selection of a CCA Administrator.

The CCA Administrator will engage interested municipalities within or near Tompkins County to join the City and Town of Ithaca by adopting the CCA Administrator’s Master Implementation Plan and seeking participation to be included in future RFPs to CCA electricity and gas Suppliers and DER Providers.

As referenced in the Local Law, engagement with the Town of Ithaca and other potential municipal members of the CCA is as follows:

D. The City of Ithaca may enter into an intermunicipal agreement with the Town of Ithaca and other municipalities in Tompkins County who join the CCA program, for the purpose of sharing administrative resources to support Eligible Consumers’ access to the City’s Solar Access, Building Electrification and Decarbonization program resources such purpose, as set forth more fully herein, and shall include a process for other municipalities in Tompkins County to offer their Eligible CCA customers such resources join the CCA.”

B. Governance, Outreach, Education

1. Two-Year Governance Schedule

A Two-Year Governance Schedule includes continuing biweekly meetings of the CCA Advisory Group, Common Council Meetings by request of the Advisory Group, and if created, monthly meetings of an intermunicipal group.
2. Public Outreach and Education Schedule

The PSC requires public meetings within a specific time frame. This schedule exceeds those requirements. The Public Meetings and Tabling Schedule from August, 2023 to May, 2024, is as follows:

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<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Aug</td>
<td>T-GEN video roll out</td>
<td></td>
<td>TGEN core team</td>
</tr>
<tr>
<td>Aug</td>
<td>Webinar for council and board members</td>
<td>info</td>
<td>TGEN core team</td>
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<tr>
<td>Aug</td>
<td>Joint webinar</td>
<td>Intro to T-GEN</td>
<td>TGEN core team</td>
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<td>Aug</td>
<td>General &amp; Planning O&amp;E City</td>
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<td>Aug</td>
<td>General &amp; Planning O&amp;E Town</td>
<td>Public meeting</td>
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<tr>
<td>Aug</td>
<td>T-GEN website updated</td>
<td></td>
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<tr>
<td>Aug</td>
<td>Media release</td>
<td>Info</td>
<td>CCE</td>
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<tr>
<td>Aug</td>
<td>FAQ on website</td>
<td>Info</td>
<td>CCE</td>
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<tr>
<td>14-Aug</td>
<td>Tol Board Mtg</td>
<td>Public Hearing</td>
<td>Town/LP</td>
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<td>September</td>
<td>Mailing out to City/Town residents</td>
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<td>City/Town/LP</td>
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<td>2-Sep</td>
<td>Residential Mtg #1 City/Town</td>
<td>Info</td>
<td>TGEN core team</td>
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<tr>
<td>3-Sep</td>
<td>Commercial/Business Mtg #1 City/Town</td>
<td>Info</td>
<td>TGEN core team</td>
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<tr>
<td>6-Sep</td>
<td>City Council</td>
<td>Public Hearing</td>
<td>City?=/LP</td>
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<tr>
<td>9-Sep</td>
<td>Tabling/Town Hall Lobby</td>
<td>Info</td>
<td>Town/CCE</td>
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<tr>
<td>16-Sep</td>
<td>Tabling/TCPL</td>
<td>Info</td>
<td>CCE</td>
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<tr>
<td>22-Sep</td>
<td>Tabling at Ithaca Farmers Market</td>
<td>Info</td>
<td>CCE</td>
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<tr>
<td>29-Sep</td>
<td>Tabling at Apple Festival</td>
<td>Info</td>
<td>CCE</td>
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<tr>
<td>29-Sep</td>
<td>TCPPI</td>
<td>Info</td>
<td>TGEN core team</td>
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<tr>
<td>2-Oct</td>
<td>Joint webinar</td>
<td>T-GEN what you need to know</td>
<td>TGEN core team</td>
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<tr>
<td>2-Oct</td>
<td>DER Industry Mtg City/Town</td>
<td>Info</td>
<td>LP</td>
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<tr>
<td>3-Oct</td>
<td>Residential meeting #2 City/Town</td>
<td>Info</td>
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<td>30-Oct</td>
<td>Commercial/Business Mtg #2 City/Town</td>
<td>Info</td>
<td>TGEN core team</td>
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<tr>
<td>31-Oct</td>
<td>Municipal and Public Institutions Mtg</td>
<td>Info</td>
<td>TGEN core team</td>
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<td>October</td>
<td>Webinar for opt-ins</td>
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City representatives will participate in the PSC’s required CCA Outreach and Education meetings as follows:

- City and Town meetings on the same day at different times and locations
- All are physical meetings with webinars
- All meetings open to the public, with focus on different kinds of local energy users and local market participants
- A City or Town representative will sit on a panel at each meeting in its jurisdiction. The CCA Administrator will facilitate the meetings, in person at most but not all
- After launch a shift to web-, direct mail- and phone-based engagement

3. Why Municipal Governance of Local DER Plan is important

While the City is not required to submit a DER implementation plan to the PSC, successful implementation will require municipal involvement, particularly the use of municipal communications channels to conduct outreach, education and marketing of the CCA Administrator’s DER program to local residents and businesses. The CCA Administrator will engage the City, Cooperatives and individuals in an ongoing energy transition planning process to navigate the several elements of a city-wide energy transition, year to year, until the City’s Green New Deal climate goals are met.

A successful energy transition will involve many ongoing activities and be iterative in nature, evolving and learning based on experience to be more climate impactful and increase participation levels. DERs use public space, like EV charging sites. City departments may choose to own and share DERs based on ongoing collaboration with the CCA Administrator. Coordination of these activities will involve important local procurement, permitting, planning coordination and cooperation.

4. Municipal Roles in Local DER Program

Roles by the municipality in the Local DER program include the following.

- Common Council/Town Board: ongoing oversight, staff reports, agendized items, action items
- Advisory Group: focused on CCA development of DERs across member jurisdictions and will approve standard DER voluntary investment agreements
● Scheduled meeting management
● Sign-off on CCA Administrator’s proposed DER Voluntary Investor agreement templates
  ○ DER Cooperative Agreement
  ○ Shares agreement
  ○ Other agreements with Users, Sharers and Building Site Owners that are requested by the CCA Administrator on an ongoing as-needed basis, as different kinds of customers and projects present new approaches that require the signature of a designated City representative
● Process for CCA Administrator to share data and explore development of DER proposals to municipality on Municipal Buildings and Fleets
● Reports to Common Council/Town Board
● Intermunicipal Agreement (if formed) will add a layer of meetings

5. The DER Governance Process

The DER voluntary investment process will be solely focused on DER development as defined, across “addressable carbon” sectors: power, heat, vehicles, waste. Periodic public hearings will be held. The CCA Administrator will attend meetings, in person or by internet, of the Advisory Board / Intermunicipal Agreement group created by the CCA Local Law to focus on increasing DER adoption, cooperation and oversight. Ongoing web public meetings with evolving educational content will be provided by the CCA Administrator based on local experiences and project development, to maintain current and engagement-oriented content. The CCA Administrator will be provided with a City representative to request sign-offs as required by this Local Plan. The Advisory Board may vote to recommend actions to member municipalities. Municipally initiated changes or CCA Administrator-requested changes by a representative of the municipality will be overseen by the Advisory Group, Intermunicipal Agreement (if and when created), or where deemed appropriate, Common Council.

C. Municipal Staff Roles

The Director of Sustainability will facilitate communication and coordination processes for internal communications and decision making. When questions or potential changes arise within municipal departments, the CCA Administrator and lead staff will communicate to resolve questions in a timely manner.

D. Municipal Account Opt-in

The City of Ithaca will include, starting on June 1, 2024, all electricity and gas accounts in CCA service. The CCA Administrator may also include other large opt-in eligible customers in its
electricity and gas supply RFP(s), based on the timing of the City and Town (or other member) RFPs.

§3J. “The City of Ithaca may include, at the nearest possible date, the accounts of all its electricity and gas accounts in CCA service.”

The City of Ithaca will provide communications support to the CCA Administrator in DER program outreach, education, and promotion to the public.

E. Municipal Communication Roles

- Municipal Insert Process
  - CCA Administrator will provide a municipal representative with updated short announcements to distribute interdepartmentally for distribution and/or verbal announcements at public meetings.
  - Municipality will place announcements, where appropriate and as space allows, in its public meeting agendas on a continuing basis for the duration of the CCA program, to announce CCA and DER program updates and explain people’s eligibility to participate in a local DER project, announce upcoming meetings, and provide program contacts.
  - Municipality will insert a CCA Administrator message on the front page of its web site for the duration of the program, linked to a dedicated municipality web page that features links to CCA Administrator’s designated CCA outreach and education web page.

- Scheduled Municipal Mail Inserts
  - Where feasible, the municipality will insert announcements into any regularly scheduled mail to local residents and businesses.
  - Announcements will include information about the CCA Administrator's name and location, its CCA and DER roles designated by the municipality, and where technically feasible, a QR code linking to the CCA Administrator Outreach and Education web page for their municipality.
  - May also include opportunities, news, announcements, information, events, contacts, regarding DERs Shares and co-ops.

Designated City staff will work with appropriate City Departments, Committees and Boards to share information through approved CCA Administrator outreach and education insertions in their materials.
• City Forms to be Considered for CCA Administrator Insertions
  
  ○ Residential water bills
  ○ Parking permits
  ○ Parking tickets
  ○ General bills
  ○ Commercial water bill
  ○ Tax bill
  ○ Occupancy Tax
  ○ Building permits
  ○ Electrical permits

• City Departments Materials / Postings
  
  ○ City Attorney/City Prosecutor
  ○ City Clerk/Public Information & Technology
  ○ Finance Department/Chamberlain's Office
  ○ Greater Ithaca Activities Center
  ○ Human Resources
  ○ Ithaca Fire Department
  ○ Ithaca Police Department
  ○ Ithaca Urban Renewal Agency
  ○ Ithaca Youth Bureau
  ○ Mayor's Office
  ○ Public Works
  ○ Planning, Building, Zoning & Econ. Development

• City Boards and Committees, Agendas, Meeting Announcements
  
  ○ City Administration Committee
  ○ Planning & Economic Development Committee
  ○ Board of Public Works
  ○ Board of Zoning Appeals
  ○ Cable Access Oversight Committee
  ○ Civil Service Commission
  ○ Ithaca Landmarks Preservation Commission
  ○ Sustainability and Climate Justice Commission

VII. Schedule Inclusive of Town of Ithaca, and Other Participating Municipalities
- May 19 - NY DPS CCA Education and Outreach and other rules released
- Jul 26 - CCA Local DER Plan submitted by Local Power LLC to CCA Group for formal submission to City
- Jul 26 - CCA Local DER Plan documents submitted by Local Power LLC to CCA Group for formal submission to Town
- Aug - CCA Local DER Plan approved by Common Council and Town Board
- July 26 - Aug 14 - Town of Ithaca Planning Committee and Town Board votes on Local DER Plan and Master Implementation Plan and selection of CCA Administrator
- Aug 16 - Sep 6 City of Ithaca Planning & Development Committee and Common Council votes on Local DER Plan, CCA Administrator Master Implementation Plan and selection of CCA Administrator
- Sep 2 - Dec 1 (PSC required) 90 days of public engagement
- Sep 15 2023-March 2024 - CCA Administrator engagement of PSC DER process
- Sep 15 - Dec 15 RFPs for electricity and gas supply
- Dec 15 - Selection of electricity and gas supplier(s) by Common Council and Town Board
- Dec 30 - CCA Administrator submits Municipality Filing to DPS
- Mar 2024 - PSC approval of Municipality Filing
- May 1 2024 - Opt-out notification
- May 15 2024 - Post-award community meeting announced in opt-out notification
- June 1 2024 - Enrollment of customers
Definitions

ADDRESSABLE CARBON shall mean greenhouse gas emissions from electricity, heating, cooling, hot water, transportation vehicles, sewer waste and solid waste.

AGGREGATED DATA shall mean aggregated and anonymized information including the number of Eligible Consumers by service class, the aggregated peak demand (kW) (for electricity) by month for the past twelve (12) months, by service class, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past twelve (12) months by service class.

ASSISTANCE PROGRAM PARTICIPANTS (APPs) shall mean Low-to-Moderate-Income residents designated by the Tompkins County Department of Social Services.

BASIC SERVICE shall mean the default retail electricity and/or natural gas product received by all customers who do not opt-out of the CCA program.

CARBON FREE ELECTRICITY (CFE) shall mean electricity generated without combustion of fossil fuels, including solar, wind, nuclear, hydropower, organic waste, hydrogen and geothermal energy.

COMMUNITY CHOICE AGGREGATION PROGRAM (CCA) shall mean the program approved by Local Law, implementing the Master Implementation Plan of the City’s chosen CCA Administrator once approved by the PSC, and The City’s Local CCA Implementation Plan

CCA ADMINISTRATOR shall mean a third party designated by the City which shall be duly authorized to put out for bid the total amount of electricity and natural gas being purchased by Eligible Consumers and the DERs that will be incorporated into the CCA program. The CCA Administrator shall be responsible for CCA program organization, public outreach, data, administration, procurement, and communications.

CLIMATE BOND shall mean a fixed-income financial instrument used to fund projects that have positive climate impacts.

COOPERATIVE shall mean a group formed by building owners and residents who are Customers to invest mutually in DERs.

COOPERATIVE AGREEMENT shall mean agreements between DER Users, DER Sharers and Site Owners

CUSTOMER shall mean an Eligible Consumer who has elected to receive Basic Service from the CCA program.

CUSTOMER SPECIFIC DATA shall mean energy account-specific information, personal data and utility data for all Eligible Consumers in the municipality eligible for opt-out enrollment based on the terms of PSC CCA Order, and the CCA program design,
including the customer of record’s name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DATA SECURITY AGREEMENT shall mean an agreement between the Distribution Utility and the City of Ithaca that obligates each party to meet, collectively, (i) all national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual Eligible Consumer with respect to the CCA Administrator or its representative’s processing of confidential utility information; (ii) the Distribution Utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual Eligible Consumer with respect to the CCA Administrator or its representative’s processing of confidential utility information; and (iii) the PSC CCA Order and PSC rules, regulations and guidelines relating to confidential data.

DEFAULT SERVICE shall mean supply service provided by the Distribution Utility to Eligible Consumers who are not currently receiving service from an energy service company (ESCO). Eligible Consumers eligible for opt-out enrollment within the City of Ithaca that receive Default Service, and have not opted out, will be enrolled in the CCA Program as of the Effective Date. Eligible Consumers eligible for opt-in enrollment will be enrolled in the program according to its scheduled energy supply contract renewals.

DEPARTMENT OF PUBLIC SERVICE (DPS) shall mean the New York State Department of Public Service which has a broad mandate to ensure access to safe, reliable utility service at just and reasonable rates. The Department is the staff arm of the Public Service Commission (PSC).

DISTRIBUTED ENERGY RESOURCES (DER) shall mean local renewable energy projects and energy efficiency measures, shared renewables like community solar and renewable cooperatives, renewable heat and hot water systems, energy management, energy storage, energy efficiency, microgrid projects, geothermal heat loop projects, electric vehicles and charging systems, local renewable hydrogen fuel cells, and other innovative Reforming the Energy Vision (REV) initiatives that optimize system benefits, target and address load pockets/profile within the CCA’s zone, and reduce cost of service for Customers.

DER LENDER shall mean a local lending institution that is prequalified by the CCA Administrator to provide loans to Voluntary Investors

DER VENDOR (DER PROVIDER) shall mean a DER Provider(s), developers, and consortia.

DISTRIBUTION UTILITY shall mean New York State Electric and Gas Corporation (NYSEG), or any successor thereto.

ELIGIBLE CONSUMERS or ELIGIBLE CUSTOMERS shall mean consumers of electricity and/or natural gas who receive Default Service from the Distribution Utility as of the Effective Date, or New Consumers that subsequently become eligible to
participate in the CCA Program, at one or more locations within the geographic boundaries of the CCA, except those consumers currently receiving Default Service that have requested not to have their account information shared by the Distribution Utility. All Eligible Consumers must reside or be otherwise located within the geographic boundaries of the CCA, as such boundaries exist on the effective date of the Energy Supply Agreement, where they will be offered basic service through several enrollment mechanisms based on Public Service Commission rules, including opt out and opt-in depending on account size and type, and also be offered additional services requiring an affirmative choice to invest in a local DER project.

ENERGY EFFICIENCY RETROFITTING AND THERMAL LOAD ELECTRIFICATION PROGRAM shall mean the City of Ithaca’s program with financial partners to determine potential energy efficiency improvements on residential and commercial buildings, and provide financing for voluntary loans and leasing programs that building owners may use to pay for efficiency and electrification projects, with emphasis on serving disadvantaged communities.

ENERGY LOAN ACCOUNT — A shares or cooperative loan repayment account voluntarily subscribed to by a CCA customer and administered and/or supervised by the CCA administrator.

ENERGY SERVICES COMPANY (ESCO) shall mean an entity duly authorized to conduct business in the State of New York as an ESCO.

ENERGY SUPPLY AGREEMENT shall mean an agreement between an energy customer and an Energy Services Company (ESCO) to provide electricity or gas service to the customer for a fixed or variable price. For purposes of this Local Law, the CCA Administrator would conduct a competitive procurement on behalf of all Eligible Consumers, and would enter into such agreement(s) with an ESCO to provide power to all such Eligible Consumers in the community that elect to receive service.

EQUITY shall mean ownership benefits, financial and/or physical, from participating in voluntary investments in local DER.

MASTER IMPLEMENTATION PLAN shall mean a document submitted to the New York Public Service Commission as part of the approval of a CCA Administrator.

MEMBER or COOPERATIVE MEMBER shall mean a member of a DER Cooperative who owns Share(s), is a User of DERs, or both, and may include the Site Owner.

MUNICIPAL ACCOUNTS shall mean the electricity and gas accounts that serve municipal government-related operations.

NEW CONSUMERS shall mean consumers of electricity that become Eligible Consumers after the effective date of the Energy Supply Agreement, including those that opt in or move into the City of Ithaca.

OPT-UP shall mean an affirmative decision of an Eligible Consumer, in addition to not opting out of the CCA program as per Public Service Commission rules, to voluntarily
select a charge or fee in order to voluntarily invest in a local DER project in the form of Shares.

OPT-WITH shall mean an affirmative decision of an Eligible Consumer, in addition to not opting-out of the CCA program as per Public Service Commission rules, to voluntarily select a charge or fee in order to voluntarily invest in a local DER project in the form of Cooperatives.

PARTICIPATING CONSUMERS shall mean Eligible Consumers enrolled in the CCA Program, either because they are consumers who receive Default Service from the Distribution Utility as of the Effective Date and have not opted out or are New Consumers.

PROGRAM ORGANIZER shall mean a designated local non-profit organization responsible for educating energy users about participation in the CCA as municipalities, and about participation in the program's voluntary investment opportunities, as well as supporting the organization of cooperatives by neighbors. This group will typically secure participation from local governments and engage in preliminary outreach and education around CCA.


PUBLIC SERVICE COMMISSION or PSC shall mean New York State Public Service Commission.

SHARES shall mean units of ownership by a Customer in local DERs, whether in a nearby building through individual enrollment in a designated CCA premium rate and Energy Loan Account, or onsite through a Cooperative enrollment in a designated CCA premium rate and Energy Loan Account.

SHARER shall mean an owner of DER Share(s).

SITE OWNER shall mean the owner of a building or property who consents to participate in the DERs either alone or by joining a DER Cooperative.

SUPPLY (SUPPLIER, CCA SUPPLIER) shall mean Grid and pipeline-based electricity and natural gas supply/suppliers selling system energy, renewable energy, and renewable energy attributes to retail end users of electricity and natural gas who have enrolled in a CCA, as allowed by New York rules, such as (1) an ESCO that procures electric power and natural gas for Eligible Consumers, (2) developers and operators of DERs, or other entities, who procure and resell electricity or natural gas, or who are involved in aspects of DERs.

T-GEN shall mean Tompkins Green Energy Network.
USER shall mean a Share owner who is the off-taker of energy from a DER or a customer who operates DER in his/her home or business.

VOLUNTARY INVESTOR shall mean a Customer who purchases Shares in a DER.
TO: Planning and Economic Development Committee

FROM: Megan Wilson, Deputy Director of Planning & Development

DATE: August 9, 2023

RE: Proposal to Create a Zoning Permit

Staff would like to propose that Common Council amend §325-32, Repair, Changes in Use, Extension or Enlargement of Nonconforming Uses and Structures, to create a zoning permit process that will streamline the approval of specific alterations that do not meet the requirements of the Zoning Ordinance. As you know, the Board of Zoning Appeals (BZA) currently reviews variance requests for alterations, additions, and new construction that are deficient in one or more zoning area requirement. These area requirements most often include yard setbacks, lot coverage by buildings, off-street parking, and location of accessory structures. The majority of these appeals involve properties that are already nonconforming to the City’s current zoning regulations, and a proposed alteration or addition results in the need for an area variance from the BZA.

The process to obtain an area variance adds a minimum of 6 weeks to a building permit’s approval timeline and results in additional steps to an approval such as a mailed notification of neighbors, posting of the property, and presentation at a BZA meeting. Many property owners do choose to go through this process but many others are deterred by the requirements and do not move forward with their improvements. The appeal process is currently the same for all projects, ranging from construction of a new downtown building to the construction of code-compliant steps on a single-family home. While projects that do not meet zoning requirements warrant a higher level of review, staff, with the BZA’s support, would like to propose an abbreviated staff-level approval process for small projects that involve deficiencies of existing structures.

Under New York State Law, only the City’s Board of Zoning Appeals has the authority to grant area and use variances. However, Common Council may determine what types of projects or deficiencies require an area variance and what types can be approved through a permit process. Staff recommends that the following deficiencies be subject to a zoning permit instead of an area variance¹:

1. In-kind replacement of all or part of an existing nonconforming structure
2. Lateral or vertical extension of an existing yard deficiency
3. Existing frontage or lot area deficiencies that are not exacerbated by the proposed work
4. Setback deficiencies for replacement accessory structures under 500 square feet
5. Yard setback and/or lot coverage by building deficiencies resulting from accessibility improvements on nonconforming structures or uses
6. Yard setback deficiencies resulting from the replacement of steps only
7. New or exacerbated side or rear yard deficiencies where 50% of the required yard is provided
8. Exacerbated lot coverage by buildings deficiencies where total lot coverage is increased by 5% or less over existing conditions
9. New lot coverage by buildings deficiencies on existing structures where total lot coverage does not exceed the district regulation by more than 5%

¹ Additional information and examples attached.
The following deficiencies would remain subject to an area variance approved by the BZA:
   1. Any deficiency created by the construction of a new primary structure
   2. All off-street parking deficiencies
   3. All telecommunication setback deficiencies
   4. Lot area deficiencies resulting from an increase in residential units or occupants
   5. Any deficiency referred to the BZA by staff

Staff will attend the August 16, 2023 Planning and Economic Development Committee meeting to address any questions regarding this proposal and seek approval to draft and circulate a proposal for further comment. Please feel free to contact me at mwilson@cityofithaca.org with any questions prior to the meeting.
Below are more detailed descriptions of how a zoning permit could apply to properties within the city. Again, the permit would apply to existing structures only; any nonconforming new construction would still need to obtain an area variance from the Board of Zoning Appeals (BZA). The noted examples are recent requests that have been presented to the BZA and/or staff.

1) **In-kind replacement of all or part of an existing nonconforming structure**: Currently, nonconforming structures may be replaced in-kind if destroyed by fire or other disaster or if demolished by order of the Director of Code Enforcement. If a property owner chooses to voluntarily replace part of an existing structure, the owner must obtain an area variance from the BZA.
   a) Example: Homeowner wishes to replace an existing deteriorated deck within the same footprint but the existing deck is located within the required rear and side yard.

2) **Lateral or vertical extension of existing yard deficiency**: A property has an existing yard deficiency and they would like to expand the structure in line with the existing home while meeting all other requirements of the Zoning Ordinance.
   a) Examples:
      i) A property has an existing front yard deficiency and would like to create a wider front porch, extending the deficiency laterally across the lot.
      ii) A home has an existing one-story addition that is located in the required side yard and would like to add a second story to the addition, extending the deficiency vertically.

3) **Existing frontage or lot area deficiencies that are not exacerbated by the proposed work**: The Zoning Ordinance requires a property that does not meet the minimum lot size requirements to obtain an area variance for all expansions or enlargements, regardless of size, change in occupancy, or location of work.
   a) Examples:
      i) A property owner would like to construct an addition on their home in the R-2b on a lot that is 2,800 SF (min. 3,000 SF required).
      ii) A property owner proposes to use an existing office as a code-compliant bedroom on a 38’ wide property in the R-3a where 40’ of frontage is required. No physical change is proposed but an additional occupant would be allowed in the apartment.

4) **Setback deficiencies for replacement accessory structures under 500 square feet**: Many existing garages in residential neighborhoods predate the City’s Zoning Ordinance and the requirements to locate the garage 3’6” from the property line. These structures have deteriorated over time and are often too small to accommodate a modern vehicle. If the property owner chooses to replace the existing garage with a modern structure, the owner must obtain an area variance from the BZA.
   a) Example: A property owner wants to replace the existing 7’ x 12’ garage with a structure large enough to accommodate their vehicle. Because of the existing garage location, conforming with the accessory structure location requirements would require them to relocate their deck and driveway.

5) **Yard setback and/or lot coverage by building deficiencies resulting from accessibility improvements on nonconforming structures or uses**: With many nonconforming properties in the city, the addition of a ramp, lift, or other improvement to facilitate access to a building often creates or worsens an existing yard or lot coverage deficiency.
   a) Examples:
      i) A nonconforming office use in a residential district would like to expand the building footprint to add a lift to the front porch.
      ii) An historic property with 80% lot coverage in the R-3a district needs to provide an area of
refuge for people with disabilities, which adds further to the lot coverage by buildings.

6) Yard setback deficiencies resulting from the replacement of steps only: One of the most common nonconforming conditions is existing yard deficiencies, particularly front yards, and it is not unusual in many residential districts to see minimal front yards in downtown residential neighborhoods. Replacement of entry steps with code-compliant stairs frequently creates or worsens a yard deficiency.

7) New or exacerbated side or rear yard deficiencies where 50% of the required yard is provided: With many nonconforming properties, particularly in residential neighborhoods, an expansion of a building footprint will often encroach into a required side or rear yard and currently requires an area variance. Minor yard encroachments could be subject to a permit while larger requests would remain subject to an area variance.
   a) Examples:
      i) A new addition on a home would encroach into the required 10’ side yard by 2’.
      ii) A property owner is would like to replace rear steps with a small landing and steps. The property does not meet the rear yard requirements and the addition of the landing would further reduce the depth of the rear yard.

8) Exacerbated lot coverage by buildings deficiencies where total lot coverage is increased by 5% or less over existing conditions: With many nonconforming properties, particularly in residential neighborhoods, any addition to the building footprint currently requires an area variance. Minor increases could be subject to a permit while larger requests would remain subject to an area variance.
   a) Examples:
      i) A property owner would like to enlarge a rear deck to make it 3’ deeper.
      ii) A property owner would like to construct a small addition to provide a second bathroom.

9) New lot coverage by buildings deficiencies on existing structures where total lot coverage does not exceed the district regulation by more than 5%: This situation is similar to the one described in #8 above, as there are many properties that are close to but do not exceed the maximum lot coverage by buildings. Any addition to the building footprint would require an area variance. Minor increases could be subject to a permit while larger requests would remain subject to an area variance. On a 3,000 SF lot, an increase in building footprint of up to 150 SF could be approved by a zoning permit; anything greater than 150 SF would need to obtain an area variance.
To: Planning and Economic Development Committee of Council
From: Lisa Nicholas, Director of Planning & Development on Behalf of the Working Group for Unsanctioned Encampments
Date: August 10, 2023
Re: Comments received on the Draft Pilot Administrative Policy

At the June 23rd PEDC meeting, the Committee agreed to circulate the draft policy for comments. The policy was circulated to a wide audience including City, Town and County departments and legislative bodies, homeless and housing service providers, volunteer organizations, and others. The Committee sought input on all aspects of the policy and was particularly interested in receiving feedback on the following areas:

1. Use of the word enforcement (alternatives are administration, implementation and response or response protocol)
2. Alternatives to the 6-step protocol described in B(4) of the policy. Should a police response be used? If not, what other steps should be taken to achieve voluntary compliance?
3. Should the policy include amber zones? Is so, what lands should be included?

As of 8/10/23 we received responses from 45 individuals and/or organizations. The compiled comments are attached for your reference, and I encourage all to read them carefully. Some responses are from multiple individuals, including one petition with 59 signatories from the residents of Nate’s Floral Estates, notes from a meeting of West End Neighborhood residents and business held on 7/27/23 and multiple comments from individual Continuum of Care staff. As would be expected, the responses vary greatly in length and content and contain multiple comments. There are numerous creative, thoughtful, and informed responses both to the policy as well as the broader challenge of providing services and housing to those experiencing or at risk of homelessness.

Of the comments that directly answered the questions asked, the results are below. In the tables, ‘comment’ refers to any mention of the questions within a larger response. Note that individual staff comments from the Continuum of Care are not counted but are available in the attached document.

<table>
<thead>
<tr>
<th>Should the word enforcement be used?</th>
<th># of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of comments</td>
<td>9</td>
</tr>
<tr>
<td>Use of enforcement is appropriate</td>
<td>8</td>
</tr>
<tr>
<td>A different world should be used</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Responses to the Six Step Protocol</th>
<th># of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of comments</td>
<td>25</td>
</tr>
<tr>
<td>Protocol too long</td>
<td>7</td>
</tr>
<tr>
<td>Protocol too complex/ unclear/ problematic /incomplete</td>
<td>8</td>
</tr>
<tr>
<td>Police response/involvement in relocation is appropriate</td>
<td>8</td>
</tr>
<tr>
<td>Police response/involvement in relocation is not appropriate</td>
<td>2</td>
</tr>
<tr>
<td>Response to Land Classification and Location of Zones</td>
<td># of Comments</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Total number of comments</td>
<td>37</td>
</tr>
<tr>
<td>Amber zone problematic/needs clarification</td>
<td>13</td>
</tr>
<tr>
<td>Negundo Woods (SW Natural Area) should be a red zone</td>
<td>10</td>
</tr>
<tr>
<td>Camping should not be allowed on any City land</td>
<td>4</td>
</tr>
<tr>
<td>Green Zone should be located elsewhere</td>
<td>3</td>
</tr>
<tr>
<td>Green zone boundary should be smaller (buffer for Nate’s Floral Estates)</td>
<td>7*</td>
</tr>
</tbody>
</table>

*Petition from residents of Nate’s Floral Estate is counted as one comment. Several residents submitted the same comment individually.

There were several other recurring themes, including many comments stating the urgent need for more services and housing. Again, I encourage all to read the comments themselves rather than relying on my synopsis.

Any comment received after 8/10/23 will be available at the link below and updated regularly before the meeting. [https://www.cityofithaca.org/DocumentCenter/Index/1608](https://www.cityofithaca.org/DocumentCenter/Index/1608)

The Working Group hopes that the Committee can have a productive discussion at the August 16th meeting and decide if the policy will move forward with amendments based on the comments received.

Please feel free to contact me at lnicholas@cityofithaca.org with any questions prior to the meeting.
**GREEN:** Camping allowed in areas not currently in use for a public purpose such as the dewatering facility, materials storage and placement, utility easements, access roads, etc.

**RED:** No Camping
Also includes the following:
- City parks, sidewalks, and parking lots
- All or any portion of a City-owned parcel currently in use or a public purpose (e.g. storage areas, public works facilities, etc.).
**From:** Armstrong  
**Subject:** Shut down Jungle  
Hello

In response to the article linked below, I wrote the following on the Fall Creek listserv and hope that my opinion can be added to the Common Council's consideration of what to do with the Jungle. Please accept this as a submission to that meeting. Many thanks


--------

Time to shut it down. I have had two bikes stolen and found there. That's trivial compared to the violent crime there, but it is still significant disregard for people's property. To burn them just to watch them burn sickens me.

Drugs and violent crime and theft and terribly unsafe and unsanitary conditions. We are better than this as a community and we must get people into real homes with real support to reach for better lives.

*Armstrong*
From: Bageant  
Subject: Comments on Draft Encampment Policy

I am writing to share some comments on the draft encampment policy. I’m attaching a map for orientation of the specific area I’m concerned about, as well as some comments from earlier this year that may not have made it to you. I have had many conversations with those copied here over the years on this topic and appreciate how complicated it is. We have had many interactions with campers near our house over the years—one pleasant interactions and some difficult ones—and we are sensitive to the systemic nature of the issue and appreciate the City’s efforts.

Before my detailed comments, I wanted to share some broader questions I have that I have not seen addressed in the several meetings I’ve attended, or in the policy itself:

- Does the City have the authority to implement land use policy on land located in the Town of Ithaca?
- What happens if the implicit use of a parcel designated as an Amber Zone (camping prohibited, but not enforced) does not align with Town land use policy which as I understand it does not allow camping in that area?
- To what extent are the various enforcement mechanisms that involve City resources applicable to land outside of the City? Is it possible that the policy would be functionally unenforceable outside of the City?

My main concern is about the Amber Zone, particularly on the parcel located in the Town of Ithaca, sometimes known as Nagundo Woods. Half of it is in the City and half of it is in the Town. I’m attaching a map to orient you. This parcel is very close to where I live, and me and my partner walk there every day and we are very in tune with what is happening on it. It is something of an overflow site for the Southwest Park encampments, so we expect there to be real impacts of the City policy in this area.

I appreciate that criteria for enforcement in the Amber Zone were included in the most recent draft of the
policy. I can attest that every long-term encampment in the area near our house has violated multiple items in the criteria listed (most notably: large quantities of garbage, debris, salvage materials or waste; bonfires and uncontrolled fires; hard wall structures; cutting down trees). With shorter term camping, the consistent challenge is garbage. I have significant doubts about the City, Town and County's ability to mitigate any of these issues on this parcel, due both to access and coordination issues.

Access is very difficult. In my experience law enforcement has no idea where this parcel is. Earlier this year I called TCSO because I could hear someone being assaulted there and TCSO "drove by" and "didn't see anything". There is no way to "drive by" this parcel. Other times that TCSO or the State Police have responded to calls from our neighborhood about that area, we have walked them back there ourselves. I'm unsure of whether other emergency services are aware of this parcel, but even if they were, there is no vehicle access to the places people camp. In addition to the usual potential emergencies in this area (e.g. fires, health crises), there are a large number of dead and standing ash trees on this parcel that have been falling down whenever it is windy. Last week we came across an abandoned tent with a downed tree right next to it.

Because part of this parcel is owned by the City, but located in the Town, it can be difficult to coordinate efforts related to encampments. Me and my neighbors have tried to coordinate assistance with garbage cleanup in the past and ultimately failed, cleaning up some very large encampments ourselves with the use of our County legislator's personal vehicle to haul away trash. It has often felt like nobody wants to take responsibility for this particular space and I believe the designation as an Amber Zone will support that attitude.

I suspect that the designation of the Nagundo Woods parcel as an Amber Zone will create a de-facto Green Zone, perhaps inhabited by individuals who are not comfortable with any behavioral requirements or contact with City personnel implicitly or explicitly associated with the currently proposed Green Zone. Nagundo Woods is the next closest area from the proposed Green Zone.

Lastly, I’m sure you know that the eventual Black Diamond Trail will go through this area on both sides of the river, per the current plans. I imagine that the trail will add another entity (NY State Parks) to the existing coordination challenges. I can also envision concern about encampments adjacent to the trail from trail users. On the other hand, I think the trail will improve emergency access to the area which, if camping ends up happening, is a good thing.

I won't pretend I have a perfect solution, but I wanted to raise the above concerns. One idea I had was to make the south/east side of the river a Green Zone and the north/west side a Red Zone for the following reasons:

- The south/east side, behind the former Buffalo Wild Wings, has better potential for emergency access from Rt. 13.
- The south/east side has already borne the brunt of environmental impacts to date because we have consistently cleaned up only the north/west side of the river over the years.
- The south/east side is farther from existing and future neighborhoods. In addition to those of us living along 13A already, and the Amabel neighborhood with 30 residences, there is a large lot adjacent to Amabel that I expect to go up for sale and development in the next several years.
- This will channel campers to a more accessible area (though may not solve the coordination issues if intervention is required in the Red Zone).

Thanks for considering my comments as you move forward with this policy. I am always happy to share more about our experience or answer any questions you might have at any point.

Best,
From: Luks and Bouche  
Re: Comments for the Draft Pilot Administrative Policy - Unsanctioned encampments on First Ward residents are asked to provide feedback on the draft document outlining the Pilot Administrative Policy for Unsanctioned Encampments on City Property. In particular, we are asked to respond to three issues:

1. Use of the word enforcement (alternatives are administration, implementation and response or response protocol)  
2. Alternatives to the 6-step protocol described in B(4) of the policy. Should a police response be used? If not, what other steps should be taken to achieve voluntary compliance?  
3. Should the policy include amber zones? If so, what lands should be included?

Observations  
In order to respond to the specific issues cited, there are broader problems with the framing of these issues that need to be addressed:

• In the May 17, 2023 meeting of the Planning and Economic Development Committee, the following problem was brought to the fore:

"Several residents... made it clear that if the police are going to be involved in kicking unhoused people off property where camping will no longer be permitted under threat of arrest, that is the definition of criminalizing homelessness."


In response, this draft unequivocally states that homelessness is not a crime. However, it is confusing to read that there is a "citywide prohibition on camping" but that Green Zones are sites "where camping is temporarily allowed," Amber Zones where camping is "prohibited but with a lower priority for enforcement," and Red Zones where camping is "strictly prohibited."

If prohibition is citywide, would that not necessitate full "engagement" of Law Enforcement agents? If prohibition is the legal status for camping on public lands, what is the legal basis or rationale for these Zones, especially beyond a trial period?

• The draft goes to lengths to minimize police involvement as part of an effort to decriminalize camping, and by extension, homelessness. Two points of procedure are key:

"In no case is a physical 'sweep' of encampments authorized by this policy." In place of "sweeps," the proposal outlines a "week-by-week," 6-step protocol for repeatedly seeking compliance, ending, if necessary, in the issuance of a Police Citation to "appear in court and answer an alleged violation charge."
The difference between this kind of citation and an arrest is that this "does not require an individual to be booked, fingerprinted, or risk detention. A less formal term for a citation is an 'appearance ticket.'"

In conjunction with these protocols is an overarching process of tracking and administration: "Each step in the process shall be logged into the Shared Encampment Incidents Database ... a database that tracks unauthorized encampments and the steps taken to bring the campsite into compliance." While upholding the intentions of decriminalization, this process is long, cumbersome, and without accountability and/or incentive on the part of "violators" to comply. Further, the tracking seems to be a bureaucratic process for bringing errant campsites into compliance but without concrete outcomes of bringing individuals closer to getting housed. This gives the appearance of a framework for shuffling unsheltered people around.

- It is wonderful to know how fast- "a coalition of approximately 15-20 professionals and volunteers who work in a coordinated fashion to address the needs of unsheltered and vulnerable persons in Tompkins County by building trusting relationships and providing access to resources and services to meet basic needs."

Building trusting relationships between vulnerable people and the varied professionals who work with them is of the utmost importance. There is no mention, though, of what practices might be existent or formulated to help unhoused people gain agency in voluntarily complying with policies, keeping encampments safe for people and the environment, and becoming partners in their movement towards greater security. If there are such practices, these should be factored into the framework.

THOUGHTS/ SUGGESTIONS
Reframe the Framework
Instead of titling the project, Encampment Policy Framework, the scope could be broadened in order to define a System of Homeless Management, based on the tracking and assisting of people experiencing homelessness, a system based more explicitly and dynamically on care.

A starting point for formulating such a policy could be derived from the following: "Five years ago, the 9th U.S. Circuit Court of Appeals ruled the city of Boise, Idaho, could not stop people from sleeping outside if there was nowhere else for them to sleep. Doing so, the court suggested, would criminalize homeless people. The right to sleep outside only exists, the court ruled, if there is no shelter space available." [Emphasis added]

https://www.nyl.com/nyc/all-boroughs/news/2023/05/21/new-york-city-has-a-right-to-shelter--but-will-it-establish-a-right-to-sleep-outside-

Given this angle, the City could remove the citywide prohibition and replace it with a tiered system of support. Something like the following:
## City Policy for Homeless Care

### LOCATIONS AND SUPPORT SERVICES:

<table>
<thead>
<tr>
<th>Red Zone Public Land</th>
<th>Amber Zone Public Land</th>
<th>Green Zone Public Land</th>
<th>Emergency Shelter</th>
<th>Transitional Housing</th>
<th>Permanent affordable housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Camping</td>
<td>Camping</td>
<td>Encampment</td>
<td>Rudimentary form of transitional and seasonal housing - no support services</td>
<td>Temporary shelter with support services</td>
<td>Longer-term housing with fuller support services</td>
</tr>
</tbody>
</table>

Most rudimentary form of transitional and seasonal housing - no support services.

(Services should be listed)

Should Amber Zones be included? For a pilot project, the answer would seem to be yes, as they provide a helpful transitional space in the spectrum of care, especially given the City's constraints on budget and resources.

N.B Where feasible, the entranceways to the actual Zones should be posted with identifying signage.

### EXPECTATIONS FOR COMPLIANCE IN AMBER AND GREEN ZONES:

The City's expectations for individuals camping in these Zones should be listed, and these expectations should include dos, along with don'ts. How might individuals participate in helping each other and helping to keep camping sites safe and compliant so that they do not initiate a process of relocation, which, in turn, will help them in gaining more secure housing?

### CONSEQUENCES FOR NONCOMPLIANCE IN RED, AMBER AND GREEN ZONES:

- Since camping in Red Zones is prohibited, the consequence should be same-day relocation and support.
- For Amber and Green Zones, a protocol with steps leading to relocation and varying levels of support could be formulated.

### Rename headings in Section 6

Change the title from Enforcement to **Implementation**.

A. Replace Enforcement Prioritization with **Prioritization for Relocation**

B. Replace Enforcement Protocol with **Administration of Relocation**

B4: Replace Enforcement Protocols with **Relocation Protocols**
Since physical 'sweeps' of encampments are precluded in this system, it might be helpful to understand what makes a sweep illegal:

"A lawsuit filed by ACLU-WA claims that the City of Seattle illegally seizes and destroys the homes and property of people who are unhoused without an opportunity to be heard, or a meaningful way to reclaim any property that was not destroyed. [Emphasis added.]

https://www.aclu-wa.org/st01y/encampment-sweeps-what-they-are-and-harm-they-cause%C2%A0#:~:text=A%20sweep%2C%20sometimes%20referred%20to%their%20property%20from%20that%20area.

What is needed, then, is a set of practices that does not destroy property and that provides the opportunity to be heard and to reclaim property.

Here are the fairly simple protocols used in NYC as response to a report of a homeless encampment on public land. A modified version could be adopted for same-day relocation for emergencies or camping in Red Zones. (In the context of Ithaca, officers and ESOT professionals would replace officers from the local precinct and DHS):

"Officers from your local police precinct will respond... They will inspect the location... and refer their findings to the Department of Homeless Services (DHS).

DHS will work to assess and address the condition with city agency partners, such as the Department of Sanitation (DSNY) and the Parks Department.

Throughout the process, DHS will engage with the individuals at the site to offer services and support, including protecting and safekeeping* any valuable belongings."

https://portal.311.nyc.gov/article/?kanumber=KA-02253

* Analogous to the protocols for having a car towed, perhaps as a way of safekeeping an individual's belongings, as well as for engendering motivation and accountability for a possible court appearance, a pound could be established and, during the process of relocation, an officer, along with ESOT professionals, could respectfully itemize, bag, and transport belongings to the pound, labelled with the person's name and identifying information. This data would also be included in the Shared Encampment Incidents Database. The individual would then need to appear in court not only to answer the charge (an opportunity to be heard) but to also retrieve their belongings.

For relocation from Amber and Green Zones, if there is no space available in a more secure form of housing, a longer process of relocation and assistance could be articulated.
From: Buechel
Subject: Comment for Common Council re: Land Use at Homeless Encampment

I support building homes for the homeless who don't choose that dangerous lifestyle. I support treatment for mental health & physical health. Many people on the edge of being homeless are put in that situation by one injury, illness, or job being eliminated. Let's be humane; let's be part of the solution.

Buechel
From: Bulatek

Subject: Re: Statement from Nate's residents regarding land use for encampments

Same document attached with just a change to the date in the footer. No more names added. Thanks,

Attached this time is a statement with 59 names of residents of Nate's Floral Estates. I am sure there would have been even more had people been home or replied to my voice and email messages. In any case, please read the statement carefully and please consider how the decision to have a Green Zone abutted to our property will continue to affect our lives.

As I talked to the residents here, several have told me about clearly homeless people breaking through our back fence (which we continuously repair) or just climbing over our fence from the area behind Lowes. As you know, there are people currently camping in that area. And I have heard stories of attempted and successful theft (even of a dog) that have happened over the past two weeks. We need your help please.

Contact me if you have any followup questions or need any clarifications.

Thank you for all that you do,
Best regards,
Bulatek
Proposed homeless policy

Carpenter

My assumption is that you really don’t especially care about what the public has to say, but I will go ahead and try to communicate anyway. You are proposing an hour long meeting for a public discussion of a complex policy on a real hot button issue. You are inviting, specifically, a large number of people who have been significantly impacted by this problem for a number of years, and are allocating 30 minutes for the responses from these people to your, admittedly, rather hesitantly proposed policy. Really? Sadly, you can’t hear the irony in my voice as I say that. I own a property on Cherry street whose tenets have been harassed for years—breakins, theft, drug use on the entry steps, etc. I will likely lose them as a tenant when their lease is up, partially because of this. I spent a year in meetings with city council members (the same ones running this meeting) and others with the TIDES groups talking in circles about solutions and rejecting any possible ones that did not fit their particular understanding of how issues like this need to be dealt with. Is this half hour “comment period”, followed, no doubt, by another year of hemming and hawing, really the best you have to offer? There have been private citizens, some with the resources to truly have an impact on this, who have offered to help. As far as I know, they have not been brought into the actual development phase of this policy. Yes, I know government does not typically work this way. It needs to.

Carpenter
From: Carter  
Subject: comments on camping bans policy  

I am writing as an Ithaca resident to provide requested feedback about the proposed pilot policy related to unhoused encampments in the city. It is my understanding that you are specifically seeking feedback on the portions that bring up police involvement, so that is my focus.

It is my opinion that police involvement in such a policy should be nonexistent. The unhoused are people who deserve care and respect, and whether the police involvement involves citations, fines, or violence, these vulnerable individuals will be much more negatively affected than most any group who might be similarly policed. This is unfair and wrong. Additionally, while lobbying groups have effectively limited data collection on people killed by police, it is estimated that something like 50% of people killed by police are disabled (per a report by the Ruderman Foundation). People with disabilities are disproportionately likely to experience homelessness. "Point-in-time counts (i.e., counts of the people in a community experiencing homelessness on a single night) suggest that nearly one quarter of individuals experiencing homelessness have a disability, including physical, intellectual, and developmental disabilities, as well as mental health and/or substance abuse disorders." (naccho.org) Creating policy that increases interaction between police and disabled people is dangerous.

My recommendation would be to focus on housing solutions rather than seeking to keep the unhoused out of sight, which seems to be the primary goal of this policy.

Thank you for reading.

Best,
Carter
Comments on the Draft Pilot Policy generated by the Working Group for Unsanctioned Encampments

Tompkins Environmental Management Council (TCEMC)

We appreciate that this rational plan draws from other models and emphasizes human rights.

As well, it is prudent to designate specific places in which camping will be allowed on lands owned by the City of Ithaca.

TCEMC wishes to emphasize three issues:

1) Protection of natural and water resources. This point is made in your presentation (p. 14 of the document). We would add the following:

   a) Because we are facing a dramatic loss of biodiversity throughout the United States and the world, every municipality must make concerted efforts to be part of the solution. City-owned lands are the place to begin. “Sacrifice zones” or further degrading lands can no longer be part of the equation. We must move beyond that type of thinking. Instead, the City can enhance green spaces and consider planting “food forests,” which can improve mental health and address food shortages. Active and beneficial land use should be prioritized rather than considering it unused or sacrificed.

   b) Our waterways lead to our lake, the source of drinking water for many, a significant tourist attraction, and the home to many aquatic organisms. Encampments in the past have generated waste and polluted the waterways. This must not continue. Pollution in the waterways from every source is a problem for us all.

Any plan by the City should include protection of the waterways from trash, sewage, or other refuse.
2) Flooding Risk. As we well know, warmer air holds more moisture and extreme rain events are becoming more common and problematic as our climate changes. Keeping this in mind, if one overlays the map presented in this document with the flooding risk faced by the City of Ithaca, problems soon become apparent. (See the FEMA flood risk map and RiskFactor from First Street Foundation.)

Although the City hopes to address the flooding risk by creating higher walls on channels, those do not yet exist and, in any case, they may fail.

a) Will the people camping in the designated areas be safe in the case of flooding? Are they at greater risk because they are living in particular areas? Will people be educated about the risks of flooding and what to do if one occurs? How will they be rescued should that be needed?

3) Risk from excessive heat.

Ready.gov regularly provides updated information about how residents can cope with excessive heat. NOAA provides information about the increase in the risk of excessive heat. We in the Northeast have the humidity as an additional factor, described as “real feel.” This creates risks beyond what those in dry climates face.

Will those living in encampments be able to cope with excessive heat? What measures will be offered to address this?

We thank you for considering these important environmental and climatic points.

Sincerely,

Darfler
on behalf of the Tompkins County Environmental Management Council
Good morning,

To begin with I would like to thank the members of the task force that I know have put a good deal of time into the proposed Encampment Policy. It reflects the fact that the City recognizes need to endeavor to bring some modicum of control over a situation that has been virtually ignored for many, many years. Like any policy this one will not make everyone happy and, while it is not perfect, it is a beginning and we have to start somewhere.

I will also take a moment to push back to the people that will label this, among other things, an attempt to criminalize homelessness. Homelessness isn’t a crime, but breaking the law is. We live in a civilized society and as such agree to live by the laws that govern us. We raise our children to understand that there are always repercussions for their bad/unacceptable behavior and we should have the same expectations of the adults living in the encampments. The proposed policy creates guidelines and strives to establish where camping is acceptable and where it is not. I won’t belabor this point but a policy that does not include consequences for non-compliance of that policy is pointless.

Moving on to the specifics of the policy I would offer the following feedback.

1) There is no point to having an amber zone option. There should be places where people can camp (green zones) and everywhere else is unacceptable (red zone). The reasoning behind having amber zones is flawed; it creates ambiguity in the policy that doesn’t need to be there. If individuals can just move from one amber zone to another if they are told they need to move on we cannot effectively address the issue of providing the services needed to improve their circumstances. In a defined, presumably better controlled, area outreach workers would ideally feel safer and, in turn, be more effective.
2) While I understand and appreciate the fact that the enforcement policy laid out in the policy is an effort to approach the issue with a gentler touch, it frankly seems like it gives too many chances before real action is taken. Minimally, I would remove the Third Site Visit from the policy, and make the Police Verbal Notice happen after the Second Site Visit.
3) If the current proposed green zone behind Lowe’s and Walmart ends up being the actual location for the green zone I would hope that a more significant buffer between that zone and Nate’s Floral Estates would be established. Having attended the meeting a week ago held by Cynthia and George it is obvious the residents there are angry, and rightfully so. They have been dealing with the
encampment issues for years with virtually no one helping them. Their frustration and bitterness is palpable. They feel unheard and, worse, unprotected and that has to be addressed in some significant manner.

Thank you for letting me add my voice the conversation. Again, I am very grateful for these efforts.

Dietz
From: EINSTEIN
Subject: Homelessness project

Lisa:

How many homeless folks or residents of the “jungle” serve on your committee? Certainly, they can give you feedback too.

Einstein
From: F
Subject: Feedback on homeless policy

Way too little, way too late. The city and county have chosen to ignore the voices of those who work with this population, ignore the voices of the population themselves, and allowed a violent criminal enterprise to operate in the jungle resulting in the actually homeless often not even being in the jungle but scattered all over in remote areas. Ask DSS why years back they stated the homeless numbers were temporary (clearly they weren’t) and then you begin the right path to effectively address the issue. Ask why OTDA says no other county in the State has DSS issues like Tompkins County does.
Thank you for including me in this communication. Clearly, a lot of good work and thought have been put into this policy. I understand that there will be a meeting on July 27th, which, unfortunately, I will not be able to attend. Therefore, I would like to offer my comments here.

Based on my observations, the homeless population in the vicinity of our business is mainly a result of addiction and mental illness. While homelessness itself is not a crime, the use and distribution of illegal drugs are criminal activities, and we have witnessed a significant amount of such activities occurring in our area and on our property, as I have previously communicated to you in letters.

In my opinion, the city should enforce public camping laws, laws regarding drug dealing and drug use, and provide addicts with rehabilitation through the various services available in our county as an alternative to incarceration. I agree that we need to provide shelter and/or a safe place to camp with sanitary facilities for this population, but in return, the city should require them to accept rehab/psychiatric care to help them get back on track with their lives.

I have read through the document and have a few additional comments:

- I could not find the definition of a compliant campsite anywhere in the document. Perhaps the bullets on page 3 under the amber zone were intended to partly define a compliant campsite? The definition of a compliant campsite should be included in the definitions section 9.

- I do not agree that there should be amber zones. There should only be red and green zones. Introducing amber zones leads to confusion in enforcement and policy, and increases the possibility of environmental contamination.

- I do not have a problem with the word "enforcement," and I agree that the police should be involved in enforcing the policy if the outreach workers are unable to do so.

- How does the public inform the city about an incident if the police are not going to be used initially in the enforcement protocol? Will there be a hotline for the public to call? Is there adequate staffing of outreach workers to immediately investigate an incident?
From: Fischer
Subject: comments about the Unsanctioned Encampment policy

Thank you very much for taking comments about the City of Ithaca homeless encampment policy. I recently moved to the Town of Ithaca from Enfield. My comments are specific to Negundo Woods. I became familiar with Negundo Woods back in the 1990's when I lived on Spencer Road in the City of Ithaca and had standing in a lawsuit opposing the building of a Walmart where Home Depot now stands.

Negundo Woods is a designated Unique Natural Area, UNA-153. Therefore, it should be considered part of the Red Zone. The woods has already been degraded by people cutting and trampling vegetation and dumping trash. I see encampments there now, and they should be removed. Furthermore, flooding is likely to become worse and this area is an important flood zone. Please refer to Unique Natural Area Inventory (rev. 2000) for more details of Negundo Woods' designation as a Unique Natural Area.

We all recognize that homelessness is an issue that is not going away, and that people need to be cared for with respect and flexibility. Allowing people live or camp in Negundo Woods is not caring for people; and it is definitely not caring for Negundo Woods. Please include it in the Red Zone of the proposed policy.

Thank you again for taking my comments and for being very credibly thorough.

Sincerely,

Fischer
From: Gatson  
Sent: Monday, August 7, 2023 5:48 PM  
Subject: RE: Pilot Encampment Policy Framework Circulation CoC Feedback  

Thank you for circulating the pilot encampment policy framework to the Continuum of Care for review. Attached is CoC staff and CoC Governance feedback on the policy. Please do not hesitate to reach out if you have any questions or need for clarification. The Continuum of Care (CoC) is dedicated to ending unsheltered homelessness and would love to be a collaborative partner in any future consideration of encampment spaces by the city council.

Best,
Gatson
CoC Housing Specialist
Coordinated Entry Lead
Human Services Coalition of Tompkins County
To whom it may concern:

The Continuum of Care operates in Tompkins County as a cross-sector collaborative planning body working to advance the vision that Homelessness in Tompkins County should be rare, brief and one-time. Membership is voluntary and open to the public. CoC members engage in planning, resource allocation, information sharing and relationship building. CoC members drive the priorities of our local CoC.

Human Services Coalition is the lead agency of the CoC, which comes with a specific set of responsibilities and expectations from HUD and receives planning. The responsibilities include conducting an annual local funding competition and compiling and submitting the results of the local competition along with a community-wide application for funding to HUD, Monitoring data entered into Homeless Management Information System (HMIS) including submitting data reports which are accessed by federal decision makers as part of the budget process, managing the coordinated entry system which maintains a real-time by-name list of people experiencing homelessness, and conducting the annual Point in Time Count. HUD directs CoC lead agencies to foster local systems aligned with national priorities including integrity to a Housing First framework, promoting racial equity within the homeless response system and using data and evidence to guide decision making.

In this document the staff of the CoC Liddy Bargar (she/her) and Simone Gatson (they/them) are providing feedback for the City of Ithaca’s land-use policy as developed by the City of Ithaca’s “Unsanctioned Encampment Working Group”. The feedback contained here is formed based on the staff’s expertise and local working knowledge of the homeless response system and after careful analysis of leading practices, evidence based interventions and trusted data sources. The CoC has also sought out support and resources from our regional representative of the United States Interagency Council on Homelessness (USICH) as well as other leading experts.

The CoC staff acknowledges that this is a complicated and nuanced issue and recognizes the careful way in which the working group has proceeded in the development of the land-use policy. We also are aware that both the working group and the full common council feel a strong and growing sense of urgency to act quickly to mitigate the visibility of unsheltered homelessness and reduce the number of constituent complaints related to the issue of unsheltered homelessness. The homeless response system has been raising the alarm for years about the growing numbers of people experiencing homelessness while attempting to serve people with housing and support in an under-resourced, housing poor system that is fraught with barriers and challenges. Homelessness is a community issue and a reflection of our overall health as a community. Implementing a land-use policy as a tool to move people from one unsheltered location to another at best has no effect on the issue of unsheltered homelessness and at worst actively harms the individuals experiencing homelessness. People will still be living outdoors and will still be subject to all the same systemic barriers with the addition of new possible legal or other consequences based on the enforcement mechanism identified in the policy.
CoC Staff Feedback on the Pilot Encampment Policy Framework

- The specific city policy that bans camping overall is missing from the final policy. The City's existing prohibition against camping should be cited in this policy regarding enforcement, otherwise the legal standing for ticketing is unclear (general).
- Allegations regarding the impact of people experiencing unsheltered homelessness on the environment and public safety should be studied and enumerated, not assumed. This policy includes statements about unauthorized campsites “creating challenges related to human waste, garbage, exposure to communicable diseases, exposure to violence and other human health concerns” without actually citing any evidence of these assumptions. Future policies to address these concerns should address meeting the needs these concerns present (e.g. providing access to waste management services) rather than stigmatizing the mechanism people are using to shelter themselves (page 1).
- The policy should clearly state what the negative impacts of camping are, and whose competing needs the policy is balancing (page 1).
- The policy states that “homelessness is not a crime”, but requires police to issue appearance tickets if people do not voluntarily move the camp where they are living to the green zone. A citation creates an unrealistic financial obligation and can easily lead to the issuance of a warrant if people fail to make required court dates or pay their fines. This criminalizes certain experiences of homelessness for people who are trying to survive outdoors in the midst of a housing shortage (page 1).
- The policy states that it plans to treat persons experiencing homelessness with respect, dignity, and compassion, but focuses on moving people to one location instead of helping people to meet their basic needs with dignity (page 1).
- It is unethical to force people experiencing unsheltered homelessness to relocate for the sole purpose of making their camps less visible. Moving people from one unsheltered location to another is an unacceptable option if we are committed to treating people experiencing homelessness with respect, dignity, and compassion. Any attempts at relocation should only be to an available shelter or housing option (page 2).
- Compliance-based rules are a distraction from safety and pathways to housing. Consideration and maintenance of this policy will take needed energy, time, and financial resources from already short-staffed human services and public safety sectors into increasing the length of time that people continue to be unhoused. That same energy and time could be applied to exiting people into sustainable housing options where people can get their basic needs met so that the city doesn’t have to supplement outdoor locations with showers and bathrooms (page 2 “Maximize use of interventions seeking voluntary compliance with the policy”).
- Please clarify what active spoils disposal means. Where is this happening? Could the DPW opt to position an active spoils disposal in the green zone? This policy should consider limitations on DPW activities in the green zone in consideration of the health and well-being of the people who will be forced to relocate there (page 2).
● Do not change the enforcement language. If the city is seeking voluntary compliance with the policy the policy should seek to be less vague, not more. Most of the people living outside have one or more disabilities. This policy should use simple language that can be understood by all people with disabilities (page 2)

● The policy, as well as verbal and written notices should also be accessible to people who use screen readers and/or are hard of hearing (page 2)

● While a campsite is defined, camping should also be defined. If someone is sleeping on the sidewalk without a shelter, is that considered camping? What if they are sitting on the sidewalk or on a stoop? It is important to be very specific, especially with a policy that has a complaint-based mechanism for neighborhood vigilism.

● Instead of prioritizing land management and enforcement resources to keep lands in Red Zones free from encampments, the city should invest those resources in a Housing First approach to ending homelessness (page 2). Every $10 invested in Housing First has been found to save societal costs totaling $21.74. The investment doubles itself in savings for taxpayers, and it is irresponsible to use city funds in a way that is proven to be more expensive and ineffective (see citation: https://endhomelessness.org/wp-content/uploads/2022/08/Housing-First-Fact-Sheet_Aug-2022.pdf). As a real-time example of this, the CoC has permanently housed 110 people through Coordinated Entry in the time that the city has been considering this land use policy (October 2022 to today, August 7th 2023).

● The policy states that “Any areas under active City use for public or municipal functions including but not limited to parks, road rights-of-way, sidewalks and adjacent tree lawns, multi-use trail corridors, The Commons, and public parking” will be classified in the Red Zone. This is not shown on the map included and is misleading. Please update the map attached to show the actual impact of this policy on city land use (page 2).

● The policy states that “camping is not allowed in the amber zone”, then contradicts itself. If camping is not allowed, it will technically be a red zone at some point when enforcement is prioritized. Say explicitly if civil, safe, and sanitary camping is allowed in the amber zone. If it is not, be honest (page 3).

● One of the factors for city intervention in the amber zone is quantities of garbage, debris, salvage materials, or waste. The city should provide people with a way to manage their waste instead of expecting them to be able to meet this basic need with no other options for waste management (page 3).

● One of the factors for city intervention in the amber zone is the presence of a bonfire or uncontrolled fires. This could encourage nearby individuals to set fires in order to trigger enforcement, and should be taken out of the policy. Otherwise, how will this be enforced? Who will decide when a fire is in or out of control, and does this also apply to their housed neighbors? (page 3)

● One of the factors for city intervention in the amber zone is verified reports or observable evidence of violence or criminal activity other than camping. This seems to leave the city liable for a discrimination claim. Who is verifying reports of criminal activity before law enforcement is called to respond? (page 3)

● Complaint-based enforcement mechanisms create a power imbalance between housed people and unhoused people. A complaint based mechanism assumes that the callers
are able to tell through observation that a person is unhoused and camping in a certain area and empowers callers to expect a response from the enforcement agency. Complaint mechanisms in which people can register “quality of life” or other concerns related to homelessness are a slippery slope and people may feel empowered to make regular and unwarranted complaints and could lead to vigilantism. This is especially concerning for its potential effect on the BIPOC community at large as complaint based mechanisms are known to disproportionately negatively impact black and brown people.

- One of the factors for city intervention in the amber zone is restriction of authorized construction or maintenance activities. Please be more specific as to what this means (page 3).
- One of the factors for city intervention in the amber zone is damage to the natural environment, including cutting down of trees. There should be a study done regarding how sensitive the natural environment in city areas is, and whether cutting down small wetland trees, for example, constitutes an urgent environmental emergency that warrants the societal costs associated with displacing someone from their camp (page 3).
- Civil, safe, and sanitary is heavily coded language. Who decides what is civil, safe and sanitary? A housed person’s definition of these words could be very different than a person living outdoors’ definition. The civil/safe/sanitary language makes an assumption that we have a culturally shared understanding of these words which I would argue we do not. What does sanitary look like if a person doesn’t have access to basic plumbing? What is safe for a person who sleeps outdoors without a lock on their door? What is civil for a person who is stigmatized?
- The policy states that The City reserves the right to seek immediate closure and/or removal of any campsite on City property in the event of an emergency or hazard condition. What city entity is responsible for determining the threshold of an emergency or hazard condition? They should be factored into the touches of this plan if a site review is necessary to determine these conditions (page 3).
- The enforcement prioritization section of this policy includes “emergency condition and obstruction campsites”, while campsites are defined, this additional classification of campsite as well as the process for determination of an emergency/obstruction should be clearly identified in this policy (page 4).
- The policy states that “The preferred approach to enforcement is for outreach workers to visit the unauthorized encampment and successfully convince the camper to voluntarily relocate to housing, shelter or an authorized camping location without any involvement by City staff or law enforcement personnel”. How many outreach worker positions are fully funded by the city? This policy will take capacity away from outreach workers’ work to help individuals navigate their shelter and housing options and instead shift their priority to enforcing compliance-based rules. This is the opposite of best practice regarding housing first and trauma-informed safety, and steers already low capacity resources in a way that is more expensive and less effective in ending homelessness (page 4).
● Will the city provide funds for trauma-informed training and skills development for outreach workers? This is an important consideration, especially for outreach workers who are new to this manner of compliance-focused outreach (page 4).
● The policy states that “the general approach to enforce this policy is to repeatedly seek voluntary compliance prior to consideration of escalated enforcement mechanisms”. This could be considered harassment and the city should be careful of leaving itself liable for lawsuits from people experiencing unsheltered homelessness, or repeated attempts to seek voluntary compliance for people who appear to be camping, but are not (page 4).
● The policy states that “In no case is a physical “sweep” of encampments authorized by this policy.” While this is great in theory, without a definition of the word “sweep”, it lacks authenticity (page 4).
● The shared encampment incident database is a communication nightmare and a drain on resources that are already overcapacity. What financial resources is the city going to bring to support this database? Has the city considered the cost of the software, licenses, staff trainings, data monitoring, hardware, and staff time needed to add and track information in this database in a timely manner? (page 4)
● The policy should state the purpose of the shared encampment incident database. What happens when people do not consent to having their personally identifying information (PII) shared in this format? What protections do people have over their own information? (page 4)
● How will the city protect the information and PII of people who are living in camps because they are fleeing domestic violence (DV)? How will the city conduct background checks for people who have access to this database, and how will the results of those checks impact the staffing available to respond to calls and track data related to this policy? Please consider this information carefully. Keeping a safe location safe is critical to the health and well-being of individuals and families who are fleeing domestic violence, and our county is resource poor when it comes to beds and financial support for DV survivors. There are very few places for people to feasibly go to flee violence, especially at the hands of their partners or relatives. (page 4)
● City and County taxpayers deserve a cost analysis of how much money this policy will cost to support between the cost of the database and salary costs for stakeholders involved. (page 4)
● In a case where a campsite is located within a Red Zone that is also actively managed by dedicated City staff, will the city be funding and organizing training (de-escalation, trauma-informed care) for city staff who are providing these notices? (page 4)
● For the series of site visits and notices in the policy, how will the city keep track of who is who when people often do not have IDs or sleep in the same space each night? This could also leave the city open to a discrimination suit. Do people have a right to the information that city staff, police, and outreach workers are keeping to identify them and issue citations? (page 5)
● The brief summary provided on the first site visit should be in plain language and be easily understandable for people who are hard of hearing, use screen readers, or have
learning disabilities. There should be environmental markings of where the green/red zones start and end so that it is clear to people who may not have access to phones or a way to keep maps/notices dry. The camps look different on the ground than they do in city maps. (page 5)

- Regarding the second site visit and subsequent “no camping” signs posted, "no camping" is not exactly correct or clear instruction about subsequent actions that need to take place. Will these signs literally just say no camping? What other information could they have to be more clear about the actions you would like people to take? How will you let people know where they can camp? Who will be responsible for marking the environment and making green/red zones clear? How will that information be integrated into written notices? (page 5)

- What happens at the third site visit if the sign is still there from the second? What if someone seems to not have returned to that site? Does this proceed to the police verbal notice? (page 5)

- How is the city planning to address trash and abandoned campsites? If the city is not, why are campsites listed as a public health concern if the policy does not address waste management and trash disposal? Why doesn’t this policy respond to trash being dumped in the encampments by people who are housed and have access to vehicles? This is part of the reason that a site study is important. (page 5)

- The Ithaca Police Department is already short staffed, which is causing a public safety crisis throughout the city. This policy should not take more of their hours away to enforce this policy. If the city still insists on this, how will the city financially supplement the cost of additional work hours and/or overtime? (page 5)

- How will the city be financially supplementing the additional labor of the teams of outreach workers in the encampments? How much money will this cost taxpayers? (page 5)

- The policy states that “the preferred people to conduct site visits are teams of outreach workers. If they are unable or unwilling to make site visits, the City’s Homeless Outreach Coordinator, or their designee, in conjunction with another City or County employee familiar with the site in question, is authorized to conduct site visits if they feel safe making the site visit.” People who are untrained should not be allowed to make contact and provide notices to this population that is often traumatized and in crisis. This could also exacerbate the city’s liability to a harassment suit if untrained city staff are repeatedly visiting camps as an enforcement mechanism. (page 5)

- In regards to #7, Coordination with other Municipalities, this policy should establish a countywide group to investigate and recommend actions to reduce the number of people experiencing unsheltered homelessness, including reducing barriers to access the emergency shelter. Members could include City, County, CoC and others. (page 5)

- The policy states that “The City shall regularly review of this [typo] pilot policy for revision and improvement”. There should be a more specific timeline for review. Biannually? Annually? The city should be accountable to stakeholders to make sure the policy actually works as intended to address concerns listed on page 1. (page 5)
• The policy states that “the ESOT is not an enforcement entity”, but they are used for enforcement in the policy. This should be clarified. (page 6)
• The policy states that an emergency condition- that could instigate enforcement in an Amber Zone- includes situations where “the environment and/or the lack of sanitation facilities results in human solid or liquid waste being discharged therein”. The city response should be to provide people with a way to meet those basic needs with dignity, not to move them around. (page 6)
• Has there been a formal land survey or other study that determines the amount of land suitable for camping exists within the green zone? Much of the area is marsh and/or otherwise unsuitable for camping. Do we know how much of the green zone is considered habitable?

1. Use of the word enforcement (alternatives are administration, implementation and response or response protocol)

The word enforcement is the appropriate word. Using a different word doesn’t change the intent of the policy. The policy should be able to be read and understood by the people who are the most impacted which include people experiencing unsheltered homelessness.

2. Alternatives to the 6-step protocol described in B(4) of the policy. Should a police response be used? If not, what other steps should be taken to achieve voluntary compliance?

The 6 step protocol seems incredibly complicated and like a logistical nightmare that will require careful monitoring by staff for whom this is an explicit part of their job. This can’t be an add-on to an existing position or something that is the responsibility of a group of stakeholders. Communication between outreach workers, city staff and first responders is difficult and in order to have integrity to the protocol all the stakeholders need to commit to adhering to it and to regular communication. In order to achieve voluntary relocation, consider enhancing the green zone with resources such as showers and toilets, warm/cool space, lighting, flood mitigation and trash removal services in advance of relocating people there.

The use of police and increasing sanctions or citations is counter to the goal of treating people with dignity nor is it effective at stabilizing people who are living outdoors. A citation is essentially a fine which is counter intuitive when using it as a sanction with an extremely low income population. The maximum penalty for trespassing is 15 days in jail. An arrest or jail stay is destabilizing and does not contribute to a person having any additional access to housing. It is an expensive solution for the community and leaves people in a worse position.

3. Should the policy include amber zones? Is so, what lands should be included?

The amber zone is the most problematic component of the proposal. The amber zone is too vague and ill-defined in this policy. Can people camp there if they are not creating an
environmental or other disturbance? Who decides and how? If the goal is to centralize all people who live outdoors to a single area consider removal of the amber zone.
The document below contains feedback from the Governing Body of the Continuum of Care regarding the Pilot Encampment Policy Framework. The CoC Governance Committee includes representatives from human services planning, outreach workers, youth with lived experience of homelessness, directors of emergency shelter and permanent supportive housing resources, Tompkins County administrators, and others. Governance members gave feedback from their own professional and lived experiences with the homeless response system in the City of Ithaca. Feedback was collected anonymously. None of the opinions expressed below reflect the viewpoint of any one agency, organization, or not-for-profit in our Continuum of Care, and committee members did not consult staff before responding to the survey.
Q1 How could this policy impact the homeless response system’s ability to serve people living in unsheltered locations?

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<td>Theoretically the green zone would be a &quot;one stop shop&quot; for everyone needing services, however due to existing tensions between people I doubt that people would be willing to move to the same area which would lead to more people moving to areas further away thus making it harder for outreach workers to connect with those in need of services.</td>
<td>8/7/2023 2:18 PM</td>
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<td>In order to fully understand this question, unsheltered or formerly unsheltered individuals in Ithaca need to be consulted before the final policy is approved. If we want to treat unsheltered people with dignity, their voices need to be heard when crafting policy that impacts their lives.</td>
<td>8/7/2023 11:52 AM</td>
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<td>3</td>
<td>Folks who are experiencing unsheltered homelessness have spoken to me about their feelings regarding City's policies: they feel that being rounded up into one area feels like a concentration camp from World War II. They imagine an area that is fenced in as if it were a jail yard. The people whom are experiencing homelessness are concerned about how they will be treated as human beings. One concern from a service provider perspective is that people will spread out to camp and stay in places further spread out from the current, more centrally-located area. This would make folks harder to find to engage with and provide services for. The hygiene provision of bathrooms, showers, and hand-washing stations could definitely be an advantage to the homeless response system: I know the shelter gets inundated by folks who need to use showers etc. By increasing showers and hygiene stations, we can decrease the spread of viral/bacterial pathogens and increase the health and wellness of the people we serve. IN regards to serving people living in unsheltered locations, not everyone will feel comfortable in a fenced-in area that has been identified on a map.</td>
<td>8/7/2023 11:37 AM</td>
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<td>It could result in lower trust</td>
<td>8/3/2023 10:24 PM</td>
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<td>5</td>
<td>The potential to create an adversarial relationship with those being served because of enforcement, displacement, and disenfranchisement. On a positive note, there is a potential to better serve individuals because of the plan to include necessities i.e., drinkable water/hygiene etcetera at the location</td>
<td>8/3/2023 3:44 PM</td>
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<td>6</td>
<td>This policy relies heavily on the Enhanced Outreach Team for implementation, particularly with regard to acting as &quot;enforcement&quot; for persons living in unauthorized encampment areas. This could put a strain on these staff due to creating expectations that they can somehow convince people to move. This may also strain their relationships with persons living in the homeless encampment as EOT may now be perceived differently thereby increasing safety risks.</td>
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<td>Overall, this plan is much better than any of the other ones before this. I am relieved that outreach will be giving warnings and that police are a last resort. I would encourage expanding the green zone to Cherry street (the area that got cleared out a couple years back) for more high-risk individuals that need to be closer to resources. I am also somewhat concerned about definitions for emergency/hazard situations worth intervening on, as all unsheltered homelessness is inherently high risk, and many of those risks are taken to ensure survival. For example, many residents heat their encampments with propane or other heat sources that are high-risk for fires, however, they will freeze to death without it. In fact, an encampment without a heat source is inherently high risk as well. I wish there was more in this about providing resources (such as safe heat sources and clean water sources) rather than putting the burden of determining safety on outreach.</td>
<td>8/1/2023 11:05 PM</td>
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Q2 How could this policy impact safety for people living in unsheltered situations and their neighbors?

Answered: 7    Skipped: 0

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<td>1</td>
<td>Putting people who are consistently in survival mode into a smaller location where everyone does not get along can cause consistent negative interactions between people, people getting injured, and/or create a bigger divide. There is also the aspect that if someone is escaping a DV situation from one encampment site to another and now due to the policy they are not able to do so because the other area is a red zone then that leaves the person experiencing DV at a higher risk. (this is also given that the DV shelter around the area do not have space and they might not be THA eligible so they have no other option)</td>
<td>8/7/2023 2:18 PM</td>
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<td>2</td>
<td>The continual use of the word &quot;enforcement&quot; and the possibility of police involvement is unacceptable. Although the plan states that homelessness is not a crime, including these measures works against this mission.</td>
<td>8/7/2023 11:52 AM</td>
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<td>Increases public health safety (by providing bathrooms and showers). Could potentially create feelings of safety for campers who feel vulnerable. Could also decrease safety: if everyone is crowded into one &quot;green&quot; area, what with all the different issues, personalities, substances, mental health challenges . . . I am concerned folks will get in fights with each other and hurt each other. Folks need to be able to get away from people who are bothering them, and having everyone in one green zone could limit that sense of safety and freedom to escape an abusive situation.</td>
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<td>4</td>
<td>At first glance it seems it would help preserve safety</td>
<td>8/3/2023 10:24 PM</td>
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<td>Creating a larger number of people to live in close proximity to one another could create issues i.e., more conflict, and a groupthink mentality that leads to disorderly conduct. Enforcement of the NO Zone could lead to harmful interactions with law enforcement.</td>
<td>8/3/2023 3:44 PM</td>
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<td>6</td>
<td>This policy could create tensions between people living in encampment sites, in particular between those who are complying with the city's policy and those who are not. Such tensions have the risk of escalating into violence.</td>
<td>8/3/2023 1:48 PM</td>
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<td>I generally dislike the idea of keeping homelessness out of sight and out of mind, even if it disturbs the neighbors. Unsheltered homelessness is and should be disturbing to witness, but I think a better solution would be to provide resources for people camping and extend Code Blue to year-round and reform the shelter system. Most people will take shelter when offered, especially in extreme weather. There has been a history of the land in the inlet being designated to the poorest of the poor since Ithaca was first colonized in the 1790s, and there has been attempts to police it and hide it from the public eye since Simeon Dewitt and the earliest police force before Ithaca was Ithaca, The Moral Society, which acted as judge, jury, and executor for those went to the bars and brothels of the area (I've done a lot of research on this at the historical society and am a huge nerd about it). All of that is to say, I don't think condensing the area/community and allowing the rest of the community to pretend they do not exist could perpetuate the historical legacy of neglecting the population culturally and resource-wise/politically.</td>
<td>8/1/2023 11:05 PM</td>
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## Q3 How could this policy impact people's ability to meet their basic needs with dignity while sleeping in unsheltered situations?

Answered: 7    Skipped: 0

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<td>1</td>
<td>If people that have ongoing tensions between are put into a small area next to each other then they will most likely not sleep. I often hear about people who do not sleep at night because they are afraid someone will steal their belongings or someone who they are running from will come after them.</td>
<td>8/7/2023 2:18 PM</td>
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<tr>
<td>2</td>
<td>The constant threat of retaliation given the implementation of amber and red zones will cultivate a climate of unease. Fostering this environment is antithetical for dignity of unsheltered populations.</td>
<td>8/7/2023 11:52 AM</td>
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<td>3</td>
<td>If there are really showers, toilets and running water, that would be a huge plus for the health of our clients. By providing showers etc., people will use them (some might try to take them apart). For the folks that feel comfortable in the green zone, that will be very beneficial. What about clients who are deterred by this formalization/enforcement? This will push them out of the area to places further away, thus impacting their access to basic needs.</td>
<td>8/7/2023 11:37 AM</td>
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<td>4</td>
<td>I’m not sure how it could be worse. With good oversight it could preserve dignity This is where things get difficult—again loss of trust</td>
<td>8/3/2023 10:24 PM</td>
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<td>5</td>
<td>There is the potential to improve the ability to provide essential services and meet needs given the city’s official support for a designated homeless encampment and planned support services.</td>
<td>8/3/2023 3:44 PM</td>
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<td>6</td>
<td>If there are increases in safety risks result for EOT or persons living in encampments, the ability to meet the needs of persons sleeping in unsheltered situations will likely be reduced.</td>
<td>8/3/2023 1:48 PM</td>
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<td>7</td>
<td>Unsheltered individuals select where they camp for a variety of reasons, particularly proximity to resources or alternatively seclusion, sometimes for social or legal reasons. The red zone is the closest to a clean water source, for instance. Additionally, I have came across severely disabled homeless individuals who camped in what is now the red zone because it was the only place they could physically make it to. There is cultural and historical significance to “The Wall” and Jungle 1 since Ithaca was originally settled up until it was dubbed the red zone. In particular, there have been members of the homeless community who have died in that inlet or on the wall or otherwise been memorialized on that land. I know the housed family of one woman still come throw flowers into the inlet off the wall on her birthday every year. Will that be allowed? I would suggest expanding the amber zones to at least the end of Cherry Street for those that need to be physically closer to resources, and Jungle 3 behind Home Depot/Negundo Woods for those who want or already have more permanent residencies by preference, or just a need for solitude.</td>
<td>8/1/2023 11:05 PM</td>
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Q4 How could this policy impact relationship building among and with service providers who are providing outreach to unsheltered spaces?

Answered: 7      Skipped: 0

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<tr>
<td>1</td>
<td>The city's preferred approach to have outreach workers be the enforcement would not work for me. As an outreach worker my job is to create a relationship with someone and then be able to work on any social issues they may be facing whether that be housing, access to food, access to healthcare, etc. it is not my job to tell them where they can and cannot camp, if asked my opinion I could potentially share with them the city's preference but that is if it is safe and comfortable for the person I am working with.</td>
<td>8/7/2023 2:18 PM</td>
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<td>2</td>
<td>This policy may undo years of work of service providers cultivating relationships with unsheltered people as the new enforcement policy will re-instill distrust that service providers have worked tirelessly to change.</td>
<td>8/7/2023 11:52 AM</td>
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<td>3</td>
<td>As an outreach worker, I am worried that campers will associate me with the laws of enforcement and the camping policies and zoning, and that it will change my relationship with my clients. Also, for those who don't want to stay in the green zone will still need to be seen, however they may go to outskirts to be able to camp in peace.</td>
<td>8/7/2023 11:37 AM</td>
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<tr>
<td>4</td>
<td>It might be more difficult but not impossible</td>
<td>8/3/2023 10:24 PM</td>
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<td>5</td>
<td>This presents the biggest challenge for me. A large segment, in my opinion, will resent being told where to go, being forced to leave areas, and are generally not the go-along to get a long type. Some will be reluctant and resent being told to go to an officially designated area out of a general mistrust or anti-authority/establishment mindset.</td>
<td>8/3/2023 3:44 PM</td>
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<td>6</td>
<td>As noted above, this policy may put a strain on relationship of EOT with persons living in unsheltered spaces due to changes in expectations and perceptions of EOT members. It may also create tensions between EOT members based on who is and isn't willing to abide by this policy and/or continue to risk going into unauthorized encampment areas.</td>
<td>8/3/2023 1:48 PM</td>
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<td>7</td>
<td>I am glad service providers will be giving the warnings and enforcement (even though I don't really like that word) rather than police.</td>
<td>8/1/2023 11:05 PM</td>
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Q5 If you have lived experience of homelessness, how do you feel about this policy? Please indicate whether you have lived experience of unsheltered homelessness.

Answered: 5  Skipped: 2

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<tr>
<td>1</td>
<td>I have lived experience of homelessness, but not unsheltered homelessness. It makes me extremely uncomfortable that the voices of unsheltered individuals have not been specifically sought out. I hate the use of the word &quot;enforcement&quot; and the possibility of police intervention, which works against the purported goal of not criminalizing homelessness.</td>
<td>8/7/2023 11:52 AM</td>
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<td>2</td>
<td>I have lived experience of unsheltered homelessness. I would feel nervous about this policy if I were still living this way. I would feel that I was being round up for slaughtering or scrutiny and I would not feel comfortable.</td>
<td>8/7/2023 11:37 AM</td>
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<td>3</td>
<td>I don't have lived experience</td>
<td>8/3/2023 10:24 PM</td>
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<tr>
<td>4</td>
<td>N/A</td>
<td>8/3/2023 3:44 PM</td>
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<tr>
<td>5</td>
<td>I do have lived experience of youth homelessness related to my sexual orientation, however, I was couch surfing and not unsheltered. I have however spent a lot of time in the jungle as a peer and advocate, formally and informally.</td>
<td>8/1/2023 11:05 PM</td>
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Q6 If you have provided direct service to people living in unsheltered situations, have they expressed any feedback about the proposed policy?

Answered: 5    Skipped: 2

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<tr>
<td>1</td>
<td>Most people that I have talked to have NO CLUE that this is even a policy. Our homeless community has not been made aware of big changes that could impact their safety and the location of their camp.</td>
<td>8/7/2023 2:18 PM</td>
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<td>2</td>
<td>Yes, I provide direct service, and yes they have feedback--they have reported that it sounds like a concentration camp. They feel as if they are being policed but not actually helped by the way the pilot program sounds. None of them seemed interested to move or adhere to the arbitrary zoning areas.</td>
<td>8/7/2023 11:37 AM</td>
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<td>3</td>
<td>Too long ago!</td>
<td>8/3/2023 10:24 PM</td>
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<td>4</td>
<td>N/A</td>
<td>8/3/2023 3:44 PM</td>
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<td>5</td>
<td>I am no longer a DSP and a lot of my experience was informal/mutual aid, but I do know that the Wall/Jungle 1/Red Zone was a place of logistical and sentimental value to a lot of people that I really cared about. Many of them are deceased or incarcerated, some of them moved on to PSH, but it was a social center to congregate.</td>
<td>8/1/2023 11:05 PM</td>
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Q7 What are some other steps or policies (not included in this land use policy) that the city could implement to improve conditions in the encampments and neighboring areas?

Answered: 7  Skipped: 0

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<tr>
<td>1</td>
<td>Bring the feedback of our unhoused population to the table and have it count when constructing a policy.</td>
<td>8/7/2023 2:18 PM</td>
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<tr>
<td>2</td>
<td>Increasing Permanent Supportive Housing in Tompkins County and working with service providers to increase resources for non-punitive services is necessary to ensure that unsheltered individuals are provided legitimate, safe alternatives to their current living conditions.</td>
<td>8/7/2023 11:52 AM</td>
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<tr>
<td>3</td>
<td>- make the camps like a parkground with actual firepits and structures, bathroom, potable water, lean-tos, insulated cabins. - interview everyone that lives down there. - many women go there because they don't feel safe in the shelter, so having a woman-only shelter would be very helpful. The advocacy center does this but is limited to woman in recovery/sobriety. We need housing for the mothers and daughters who are living unhoused as well. - more &quot;one cabin&quot; units--give people some space! - installing housing first approach</td>
<td>8/7/2023 11:37 AM</td>
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<tr>
<td>4</td>
<td>Showers and restrooms</td>
<td>8/3/2023 10:24 PM</td>
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<td>5</td>
<td>Be flexible and ready to change. The framework's rationale is sound but real-world implementation will highlight the stress points. Make sure someone(s) is paying attention, recognizing issues as soon as possible, and making the necessary adjustments to the plan. Think of it a as starting point and evolving plan that will need to be adjusted based on experience.</td>
<td>8/3/2023 3:44 PM</td>
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<td>6</td>
<td>Implement some type of regularly scheduled (e.g. monthly) clean-up of encampment sites that engages persons living there so they feel like they are part of the process in ensuring their health and safety and in a way that feels respectful.</td>
<td>8/3/2023 1:48 PM</td>
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<td>7</td>
<td>Expand the green/amber zones to accommodate for a variety of unsheltered homeless needs. Also a lot of the fires out there are intentionally set on someone's camp as an act of retribution (&quot;jungle justice&quot;) and you will get people who need more options of where to camp because they will keep getting &quot;burnt out&quot;. Also expand code blue to year-round and reform/expand the emergency shelter system.</td>
<td>8/1/2023 11:05 PM</td>
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Q8 What resources/tools do you think would be required to successfully implement this policy?

Answered: 5     Skipped: 2

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<td>1</td>
<td>Lack of policy intervention completely is necessary to ensure that this policy will have any positive impact, if at all. Outreach to local neighbors and other community members to ensure that the goals of lack of police intervention and education on unsheltered populations is necessary to ensure that community members do not work against the goals of dignity and respect for all unsheltered individuals.</td>
<td>8/7/2023 11:52 AM</td>
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<tr>
<td>2</td>
<td>-You will need PEERS and feedback from people with lived experience. -Effective showers/bathroom/wash and consistency in keeping them clean. -Single person cabins for the antisocial personalities and the bipolar population could be profoundly useful in lowering escalation. -A female only area -Another shelter with no strings attached (no dss) -Safety equipment -Let's set up a medical tent! -Narcan boxes installed throughout to remind people of overdose prevention and provide the needed tool to save a life. A more robust food cupboard pantry.</td>
<td>8/7/2023 11:37 AM</td>
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<tr>
<td>3</td>
<td>Training for all &quot;enforcers&quot;</td>
<td>8/3/2023 10:24 PM</td>
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<td>4</td>
<td>Designated transportation assistance like a van that goes from A to B at certain times. Especially in the morning for those trying to hold a job, get to appointments, whatever. Put a food truck that serves meals on certain days and times at the encampment. Local philanthropists can fund it! WiFi?</td>
<td>8/3/2023 3:44 PM</td>
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<tr>
<td>5</td>
<td>I'm really curious about what will happen if a person fails to appear for a citation. There are a lot of individuals with active warrants/criminal records/justice system trauma or other barriers to attending court or attempting to avoid police interaction in general.</td>
<td>8/1/2023 11:05 PM</td>
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### Anything else you would like to add?

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<td>1</td>
<td>Once again, please do not involve law enforcement in any aspect of this plan. Law enforcement have continually harmed the unsheltered population, and their express participation in working with unsheltered communities is nothing less than violent.</td>
<td>8/7/2023 11:52 AM</td>
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<td>2</td>
<td>Please interview people with lived experience. Please consider housing first options. Please consider the PCHO (person-Centered Housing Options). Please consider a way to house sex offenders and other folks who have been banned from typical housing or sanctioned from certain housing financial resources (i.e. s8 sanctions, DSS sanctions). Believe outreach workers. Let's find a way to meet the needs of other forms of homelessness besides unsheltered camping. &lt;3</td>
<td>8/7/2023 11:37 AM</td>
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<td>3</td>
<td>I would vote yes, but I am skeptical of the plan's likelihood of success. It seems like moving the “problem” to a different location primarily serves the goals of residents, businesses, and politicians in the NO zone, but rather naively assumes cooperation from the unsheltered and creates a high potential for unintended consequences in new locations. I think back to the Commons redesign and the goal of opening the Commons up to have fewer people “hanging out” on the Commons and it just pushed the problems to Dewitt Park and the Library but that may be considered a success- not sure. The unsheltered are a diverse group and no one answer will resolve the myriad of issues that people face.</td>
<td>8/3/2023 3:44 PM</td>
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<tr>
<td>4</td>
<td>Businesses and community leaders are likely going to unreasonably expect EOT members to enforce or solve these problems that beyond their abilities.</td>
<td>8/3/2023 1:48 PM</td>
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<td>5</td>
<td>It's better than previously suggested plans. Just expand the green/amber zones to accommodate for a wider variety of unsheltered needs, still let people at least mourn and gather at the wall even if they cant camp there, and push to expand code blue/reform and expand St Johns.</td>
<td>8/1/2023 11:05 PM</td>
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I am writing to provide my feedback on the city’s plan for encampments. I live on West Hill in the town of Ithaca.

My feedback centers on the proposal of amber zones along the recreational trail on Floral Avenue and possibly up Elm St. near residential areas. People live there, walk their dogs there, go running there – myself included. Seeing that whole stretch of Floral as an amber zone is concerning, as are the plots of amber-designated land peppered throughout West Hill near homes and a school.

These plans have the real possibility of negatively affecting people’s quality of life, as well as their safety and security. It is inappropriate, to put it mildly, to tacitly allow “camping” in those areas. We have as much right to safety and a clean, peaceful, beautiful neighborhood as anyone in other neighborhoods in the city that don’t appear to be targeted for amber zones. I won’t name names.

I strongly urge you to reconsider the “amber zones” on the residential streets of West Hill and along the recreational trail on Floral Avenue. Surely there is a better way to address the needs of the houseless residents of Ithaca.

Thank you for reading,

Graseck
Hi,

As a brand new Ithaca resident, I'm not sure how much my opinion is worth, but I figured I'd reach out and get my comment in right before the deadline!

My first impression of the policy is an overwhelmingly positive one - providing safe spaces for unhoused people to camp is a great first step. And providing basic hygiene and sanitation services sounds like a fantastic idea.

I know you've received several comments already from my fellow residents of the new Amabel neighborhood off Floral Ave, expressing concerns about encampments in the nearby Negundo woods, one of the areas classified for discussion. Some folks have expressed concern about environmental protection of the woods and the inlet; these are legitimate concerns, but ones that I suspect could apply similarly to any possible location for a homeless encampment on state-owned land.

Though environmental concerns are important and I hope they'll be taken into account by someone more knowledgeable than myself, my personal concerns are more for the safety and well-being of the people. On that front, here are a few concerns I have:

1. According to the Ithaca Voice, the current green zone is 66 acres. According to the Cornell Daily Sun, there are estimated to be only about 60 homeless people in Ithaca, so that's quite a bit of space already reserved - especially considering that not all without homes will be camping there!
2. We've all seen many well-meaning plans to "help the homeless" die quickly when they encounter the harsh complexities of reality. Allowing 66 acres of encampments already seems an intimidatingly ambitious plan. The larger the area over which the encampments are spread, the harder it will be to safely and cost-efficiently provide services.
3. Access to the Negundo woods, particularly the north area, is partially through a residential zone, which is much more likely to create conflict with locals than lands accessed through a more commercial area, such as the green zone behind Walmart.
4. The Negundo woods are a floodplain - I don't know what this means on such a highly controlled stretch of water as the inlet, but I know that Acer negundo trees commonly grow in areas subject to frequent flooding, which certainly sounds like a safety issue.

For the above reasons, I support limiting camping in the woods. If it can be established that
flooding there is unlikely, and if there is evidence that the existing green zone isn't big enough to safely accommodate everyone who would use it, only then could I see a compelling argument to make the south part of the woods (between the Home Depot and the inlet, which can be safely accessed) into a yellow zone.

Thanks for considering this,

Hanson
From: Herkowitz

Subject: response to City land use policy

Respect Dignity and Compassion.
All good with me. I would appreciate that those who would surround my neighborhood with yellow and green zones, no "enforcement" and expect me to live in a dangerous situation that they would not choose or allow for themselves afford me respect, dignity and compassion. At 75 years of age I do not appreciate being lectured to about being "neighborly to unhoused neighbors" who are publicly urinating, screaming, shooting drugs, shooting guns, stealing and degrading the area I live in. If anyone hasn't visited the encampments and has the expectation that it's my job to take this on, I suggest you go visit. If you haven't seen it you don't know what you are talking about. It took a police escort for a group of Common Council reps to walk through what I have to contend with day and night. And they were scared. No police escort for the people who live and work on the West End. I think those people who are concerned about enforcement of laws should consider taking on a few folks in your backyard. If you haven't seen it, you don't know what you are talking about. I am not a heartless person because I want to live in a safe environment.
Herkowitz
From: Herkowitz  
Subject: response to City proposed land use  

Six steps?  

Cut that in half. Six steps puts additional stain on outreach workers and dilutes the purpose of a land use policy. Set a boundary and mean it. Help people move. Be kind. Do it in 3 steps and do it.  

Herkowitz
From: Herkowitz
Subject: response to City land use proposal

"Enforcement" as a word or policy is a debate? Is it a debate in any other place in the City of Ithaca? Is it a debate in Cayuga Heights? What misguided influences are informing this? The police have enough on their hands (everyone likes to complain about the police until they are mugged, raped, robbed, etc) without this being a question. Of course we want uniform enforcement of the law throughout the City. The idea that zero accountability is somehow a part of harm reduction is misinformed and a part of the problem.

Herkowitz
From: Herkowitz  
Subject: response to City proposed land use policy  

I notice the only ideas for the use of City land for camping are in the West End, particularly the land around Nate's Floral Estates. The West End is already under stress from the chronic criminality and violence from the addition of and tenancy of Arthaus. There are no sidewalks, adding more stress. Nate's Floral Estates is a mobile home park for seniors, primarily occupied by older women. I recommend that the City consider other locations for camping that don't further endanger the older women, including myself, that live in the well established community that is at Nate's Floral Estates. I have repeatedly suggested the golf course or another location be considered. How about Sunset Park, for instance? Does that seem silly? Why are those areas any less a consideration than the area around the trailer park? Might it be that the 'trailer park' is a devalued area and the City has devalued the importance of the quality of life for those who live there?

Herkowitz
From: Herkowitz
Subject: response to City land use proposal

Zones

Yellow Zones. they should not be in the plan. They dilute the purpose of having a policy. They will make the work of outreach workers more difficult. They will only serve to spread the encampments and defeat the purpose of having a policy at all.

Green zone      Cut that in half, making a large area separating Nate's Floral Estates from camping. Nate's is vulnerable to fire spreading, vandalism, trespassing, home invasion, assault, burglary, destruction of property and harassment as it is, all of which have happened and more. The area that abuts Nate's is difficult for emergency services to reach and will reduce the effectiveness of having a Green zone. It will allow criminals to privacy and make the entire Green zone potentially more dangerous.

Herkowitz
Homelessness is not a crime.

Right. And:

Rape, murder, burglary, sex trafficking, sexual assault, shooting, stabbing, battery, coercion, meth manufacture and sales, destruction of environment, destruction of property, home invasion, arson, other drug sales, menacing, unleashed biting dogs, public urination, public BM, trespassing, mugging, jumping in front of moving vehicles, et al. are all crimes. All happening in and around the encampments.

Some people are in need of homes, want homes, are mentally stable enough to take responsibility to have a home and make good use of having a home and services. For them, “housing first” makes total sense. Outreach workers can help these people.

Some people are only interested in living as they are: addicted to drugs and don’t want to stop, addicted to criminal behavior (yes. It’s a real thing) and don’t want to stop, feel entitled to doing whatever they wish at anyone’s expense and don’t want to stop, too mentally ill to stop unless they are in a controlled environment.

Outreach workers are in danger with these people. So are homeless people. So are law enforcement, fire fighters, business owners, employees and the rest of the community.

Until there is a distinction made by land use policy makers between homelessness (not a crime) and people committing crime because that is their way of life, we can expect increased violence. Because existing laws are not being enforced /applied uniformly throughout the City the rule of law is compromised. This has already eroded the norms and quality of neighborhoods throughout the City. There has to be accountability and expectations that the norm, living within the law, will be required in the encampments.
From: Holmes

Cc: Black
Subject: County statement on City's Sanctioned Encampment Policy

Attached please find a statement from the County regarding your request for input on the draft unsanctioned encampment policy. Please distribute to the Mayor and Common Council at your convenience.

Perhaps this could be included in the agenda for the August 16 meeting where the discussion will continue?

Best,
Lisa

Holmes
I am writing to provide comments on the City of Ithaca’s Pilot Administrative Policy on Unsanctioned Encampment on City Property. I have been a resident of Ithaca since 2020 and became a West Hill homeowner in 2022. My comments on the Unsanctioned Encampment Policy can be broken into four parts.

1. **General sanctioning of any camping on city property:** I feel strongly that the City of Ithaca should not formally permit camping on any city grounds. Ithaca should learn from the examples set by other cities who have previously permitted the development of unsanctioned encampments but have recently reverted course. For instance, Portland (https://www.opb.org/article/2023/06/07/portland-oregon-approves-ban-daytime-street-camping-homeless/), San Diego (https://www.sandiegouniontribune.com/news/homelessness/story/2023-06-13/city-council-hears-controversial-homeless-encampment-ban-proposal) and Oakland (https://www.sfchronicle.com/sf/article/oakland-homeless-mayor-sheng-thao-encampments-18161423.php) all previously permitted unsanctioned camping but have severely limited or banned it in recent weeks after years of disastrous outcomes. Numerous reports and on-the-ground interviews with inhabitants of encampments (e.g., https://www.nytimes.com/2023/07/29/us/portland-oregon-fentanyl-homeless.html) in the US Northwest and West have demonstrated that encampments grow when cities decide to either explicitly allow camping on public property or choose not to enforce existing camping bans. It seems logical that by officially sanctioning camping on city property in Ithaca, it will make existing and new encampments in the city more appealing places to stay and visit. Ithaca should expect its issues with the houseless population to increase, not decrease, by allowing camping on city property. The rate of serious crime associated with the “Jungle” appears to be increasing in recent times (including, for instance, the disappearance of Thomas Rath), raising major concerns about the safety of these encampments for both the houseless population and city residents living in surrounding areas. Why would the city officially sanction an encampment that already has clear issues with both petty and major crime?

2. **Proposed location of encampments:** West End residents have disproportionately shouldered the impacts of unsanctioned encampments in Ithaca. Unsanctioned encampments on the West End increases residents’ exposure to violence, waste, fire hazard, drug use, and other health concerns. The presence of these camps impedes development opportunities and stymies our property values relative to other parts of the city. I am greatly
disheartened to see the City of Ithaca is proposing to ratify a policy that would permit camping on any city property and am particularly displeased to see that all areas where camping may be permitted fall on Ithaca’s West End. The area where camping will be sanctioned (and is currently allowed with negligible enforcement) directly abuts Nate’s Floral Estates, a residential zone. Proposed “amber zones” where enforcement against unsanctioned camps will be limited or nonexistent extend deep into West End residential areas, including my own street—Chestnut St. The designation of the area between Floral Ave and Chestnut St as an amber zone is unacceptable. This area is home to multigenerational families including my own. Young children should not have to face the violence, waste, drug use, human suffering and other health hazards associated with unsanctioned encampments every time they walk out of their door in their neighborhood. The map of City of Ithaca Owned Property (2019) clearly demonstrates that city property is not disproportionately concentrated in Ithaca’s West End, yet all proposed sanctioned encampments and amber zones are in the West End. Why does the city feel that West End residents should disproportionately bear the impacts of homeless encampments in Ithaca?

City of Ithaca’s Pilot Administrative Policy on Unsanctioned Encampment on City Property is clearly not equitable for all city residents.

3. Policy enforcement: The current situation in the “Jungle” makes it clear that the proposed enforcement policies in the plan are insufficient to manage both sanctioned and unsanctioned camping. This August 2nd article in the Ithaca Voice (https://ithacavoice.org/2023/08/west-end-community-airs-concerns-about-citys-plan-to-manage-homeless-encampments/) quotes the Homeless Crisis Alleviation Coordinator for Second Wind Cottages as saying that outreach workers have stopped conducting walkthroughs of the current encampments in the Jungle due to safety concerns. Given that outreach workers have expressed in the press that they no longer feel comfortable visiting current encampments, why is the city’s preferred approach that outreach workers manage issues with unauthorized camping in Ithaca? This does not seem like a feasible approach given the apparent safety issues. The early involvement of police seems warranted given outreach workers’ hesitancy to visit current encampments in Ithaca. Additionally, the proposed enforcement protocol is woefully insufficient to stop unauthorized camping. It should not take six visits before a police citation is issued for unauthorized camping. A citation and police action should be taken during the second visit to an unauthorized campsite. After a third check on an unauthorized site, a plan to house the person(s) in temporary or permanent housing should be made.

4. Critical information missing from the policy:
   - The pilot plan does not include any policy that would prohibit or penalize people from simply moving their campsite from one authorized location to the next after a citation is issued. This seems like a major oversight in the pilot plan.
   - The pilot program states that “in no case is a physical “sweep” of encampments authorized by this policy”. What does that mean? The policy fails to recognize that there is a difference between a “sweep” and the removal of one or two sites from an encampment as necessary.
   - What will the frequency of checks be once a camper on an unauthorized site is identified? The policy states six “minimum week-by-week steps”. A minimum of six weeks seems like a long time to let an unauthorized encampment fester on public or private property.

In summary, I do not believe that “sanctioned” camping on city property is a concept Ithaca should be experimenting with. It is not beneficial for City of Ithaca residents, and in the long term it is not beneficial for those experiencing homelessness. The distribution of proposed campsites and the city’s enforcement plan raise major issues about equity and feasibility. The city’s money and efforts would be better spent on the development of centrally located structural housing where people can stay temporarily [e.g., shelter, motel or Second Wind Cottages style housing, not by building TIDES-like structures in existing encampments] while accessing resources to help them move into permanent housing.

Signed,
From: Hughes

Subject: Re: Pilot Encampment Policy Framework Circulation

To City of Ithaca,

Thanks for sending me the info below on the encampment proposals. To me, the language used in the final draft doesn’t matter so much; seems like it’s of more importance to the folks you’re trying to help. If there’s a choice of words and a type of enforcement for implementation that gets more buy-in from the unhoused community, I’m all for it.

I may be naive in saying this, but there will be a point early on where the city’s intent and willingness to follow through is going to be challenged by a few members of the homeless community, and it’s probably going to fall to the police to at least signal seriousness of intent and get across the idea that the city is going to be fair but is also going to have boundaries. That’s just part of being good neighbors and dealing with conflicts before they escalate, no matter the income level of the people involved.

You’re on the right track with all of this, because it’s going to set in motion a series of events whose knock-on effects will likely be a big positive. Simply giving people a place to clean up, meet with counselors and receive mail puts them on the path to being somewhere better in their lives than they are now. Given the sad fact that not enough people here want to employ the simple solution to homelessness- which is getting people under a roof, any roof- this is clearly the next best alternative.

Hughes
From: Morrell

Subject:

Hello. My name is Morrell. I am a long long time resident in the jungle. In fact I am first then a guy called Ozy. The rest that are here are new. But some came out here when Mayor Syvante took office. He was the one that pushed to give people needles. This town didn't have the drugs it has now before he took office. By giving out needles and saying it's harm reduction is a bold face lie. It might be harm reduction for the addict but is it for whoever steps on the needle because the addict chose to throw their needle on the ground when they got done with it. What do they care it's not like they need to exchange it like they are supposed to be doing. They don't need them cause they know the person giving them out will give one addict a box of a hundred. Oh did I say no exchange. I have been picking up the ones I see and there again I'm a recovering addict myself I'm only one needle away from using again. I might have 21 years clean. You need to make needles illegal again and the ones that were using them send to a rehab to get cleaned up. The make all weapons illegal in the homeless encampment. I have never seen so many people carry weapons as the young generation that is down here. They have zero respect for anyone. The old jungle crew used to police our own. If someone was being a trouble maker everyone would take a vote and if everyone was in favor of throwing the person out we did and they didn't come back. If someone wanted to live down here they had to be invited. As much as you all think your helping you really aren't. In fact you will have more problems cause now you are pushing everyone together. We don't get along now and then by closing sites and pushing everyone behind Lowes and Walmart will only get temures flared up and then the fights start or worse stabbing and what ever else the jungle has seen lately...... As far as the job I will be happy to fill the position. I have been here 30 years I know the area
From: F
Subject: Feedback on homeless policy

Way too little, way too late. The city and county have chosen to ignore the voices of those who work with this population, ignore the voices of the population themselves, and allowed a violent criminal enterprise to operate in the jungle resulting in the actually homeless often not even being in the jungle but scattered all over in remote areas. Ask DSS why years back they stated the homeless numbers were temporary (clearly they weren’t) and then you begin the right path to effectively address the issue. Ask why OTDA says no other county in the State has DSS issues like Tompkins County does.
This statement is made in response to the draft “Pilot Administrative Policy – Unsanctioned Encampments on City Property” dated 06/15/23.

The people whose names appear below, including myself, are senior residents of Nate’s Floral Estates and have a serious concern regarding the planned Green Zone proximity to the southwestern corner of our residential community. Over the years we have endured trespassing, theft, physical assault, trash (including needles and shopping carts), and vandalism.

With a full understanding that all homeless people are not criminals, and with an appreciation of the designation of the city property just north of Nate’s as a Red Zone, we ask, for the sake of the safety and security, that the Common Council help resolve these issues by:

1) Creating a buffer between the planned Green Zone, from the southern edge of Nate’s Floral Estates to the northern edge of the dewatering site, by designating this area as a Red Zone.

2) Creating a path from the remaining Green Zone behind Walmart that would allow people to travel in a northerly direction, thus bypassing the Nate’s property.

Bulatek (author)  Augustine  Eastman
Bulatek  Baker  Eastman Howe
Sidle  Jacobs  Merilanti
Sidle  Swenson  Merilanti
Herkowitz  Hoffman  Robbins
Wells  Vavra  Robbins
Raza  Fergus  Hamilton
Hendrickson  Rogers  Kotzer
Fenner  Sledziona  McMullen
Fenner  Slattery  Phillips
Hix  Haring  Halton
Skillin, Jr.  Cain  Halton
Mahon  Cain  Tierney
Mahon  Sprague  Parker
Slattery  Sprague
Nate’s Tenants’ Statement on the
Pilot Administrative Policy
Unsanctioned Encampments on City Property
dated 06/15/23

Kouf
Herman
Firenze
Troy
Clements

Harding
Herman
Fuller
Huff
Fenner

Hendrickson
Firenze
Fuller
O’Conner
From: Nutter
Subject: Proposed encampment policy

The City ban on camping on, for instance, park land should be enforced, which is why the term enforcement should be used. A designated land use - such as a ball field - should not be required in order for the camping ban to be in effect. Natural areas that don’t have a designated use should not be subjected to trampling and garbage.

The protocol appears designed to be cumbersome and ineffective by requiring multiple weekly visits, all of which can be ignored. Can a protocol be written which would result in red zones being cleared in days rather than perhaps no result after weeks?

There should not be “amber zones” because that would indicate the City will not even enforce the proposed protocol.

The City land between Malone & Taber Streets used to be a place where people could walk or bike safely and directly between the West End and the commercial area of Wegmans etc. for shopping and employment. Then this land was taken over by encampments. Then the encampments and their vast garbage were removed. Twice. Now this “red zone” is not occupied, but a fence and no trespassing sign also prevent even benign walking and biking through here by people who do not break laws or leave trash. Pedestrians and bike riders must go three times as far, traveling along roads lacking sidewalks and with much of the pavement so uneven and poorly patched that biking is uncomfortable. Can this path please be re-opened? Must we have fences everywhere in order to prevent illegal camping?

What about the garbage? People have left behind so much garbage - food containers, soggy clothing & bedding, the remains of tarps or tents, even a pile of over 2 dozen gas canisters - all in an area where camping is supposedly red-zone prohibited. That’s just what can be seen without touching it. Who knows what filth, broken glass, or dirty needles are deeper? It’s still there now. This proposed policy will not prevent squatters from coming back, it won’t oust them if they do, and I don’t see anything about having the folks who brought the garbage take responsibility for it and clean it up. Who will clean it up? It’s hard work bending over and picking up all the trash and soggy materials, hauling out the stuff that other people brought in during many trips then abandoned. I’ve done some cleanup, but it’s more than I can do, and I’d like the City to stop people from trashing our public land and to help get the garbage out.

Nutter
Allen, MD and Oh, MD

Amabel Community Resident

Department of Planning and Development

City of Ithaca, NY

Dear Director,

Subject: Concerns Regarding the Proposed Policy on Unsanctioned Encampments in Negundo Woods

I write to you as a resident of the Amabel community in Ithaca (https://www.amabel.org), expressing our concerns about the proposed policy to address the challenges of the unhoused population in the city, particularly as it pertains to Negundo Woods. Our community, which has blossomed in less than two years, is home to many newcomers to Ithaca, and its proximity to Negundo Woods presents significant challenges and concerns under the proposed policy.

Amabel, comprised of 30 homes, is unique for a variety of reasons:

1. **Demography**: Many of our residents are seniors, above the age of 65, who chose this serene location post-retirement for the peace it promised. Many have come here from other parts of the country.

2. **Relocation for Nature**: A significant number of us were drawn to this neighborhood primarily for its proximity to nature. The future inauguration of the Black Diamond path through Negundo Woods was a pivotal factor in our decision to move to this area.

3. **Ecological Significance**: Negundo Woods, designated as a Southwest Nature Area, is adjacent to the Cayuga Inlet, a critical habitat for species such as rainbow trout and lampreys. Any encampments near this area may introduce pollution and illegal fishing, jeopardizing the ecological balance of this habitat, which falls under the Finger Lakes Tributaries Regulations.

With the above in mind, we express the following concerns:
1. **Access and Proximity**: The two primary paved access points to Negundo Woods - Inlet Rd and Amabel Rd, are alarmingly close to our homes. Any foot traffic to potential encampments would invariably pass most of our homes, situated within just 20 feet of these roads.

2. **Safety and Security**: An encampment in such close proximity raises genuine worries about crime, potential violence, drug use/trafficking and sanitation issues, which could jeopardize the well-being of our residents, especially the elderly.

3. **Future Developments**: Our concerns aren’t limited to the present. The prospect of the Black Diamond project could be hindered if the woods were populated by unsanctioned encampments.

Considering the unique nature of our community, the ecological significance of the adjoining areas, and our concerns for safety and future developments, we earnestly request the Negundo Woods area be designated as a 'red' zone, indicating a no-camping designation. Such a decision would preserve the tranquility of our neighborhood, protect the critical ecological zones, and ensure the smooth execution of future projects that promise to enhance the area's attractiveness.

We appreciate your attention to our concerns and trust that the well-being of residents and the ecological sanctity of our beautiful city will guide your decisions.

Sincerely,

Allen, MD and Oh, MD
From: Petrina

Subject: Re: Pilot Encampment Policy Framework Circulation

Just a few thoughts on the Encampments Policy…

I read the NYT articles this weekend on encampments in Portland OR and Berkeley CA. By contrast, this draft Ithaca policy seems to offer solutions to both the homeless population, neighbors, and the city. Thank you for working to create this policy.

A few small suggestions:

- On page 3, under the last bullet point of B. Amber Zone - you may want to include language about protecting waterways. Something like “…including cutting down trees and polluting natural waterways/wetlands.”
- the second suggestion/question is one you’re probably already thinking about - what happens if continued citation doesn’t work to bring an encampment into compliance? Is that covered by the city reserving the right of removal? Is it worth indicating a number of citations which would be cause for removal? Or better to keep it open ended.

Thanks again for your work on this, Lisa.

Petrina
I have read the proposal and I disagree with the entire premise and proposed solution.

The issues the city is having with the encampments will not change. In fact they will get worse as the word spreads that Ithaca is a cool place to be homeless and set up tents..... I have already heard this from these folks.

I have property and a business that is being affected by this situation. It is damaging my retail operation.

My staff is continually removing trash, shopping carts and dirty needles from our property and under the Buffalo street Bridge where folks have decided to "hang out".

The only sensible solution, if the city really wants to help, is to provide ONE building with all the amenities mentioned in the proposal and house these folks there. Then the police and concerned citizens and organizations currently involved can contain their time and efforts to one protected location.

If the people in need won't comply, then with police assistance they must be escorted out of Tompkins county.

I suggest Find a building such as the old Morse Chain property on south hill (just an example) and move the encampment folks and any other people needing a roof over their heads to one place and make only this one place a "1/2 way" home where they can be safe/clean, get the necessary treatments, and rest until they find another solution.

I also suggest having the national guard to help facilitate since this is now a nationwide problem.
To Whom It May Concern:

I have lived in the city of Ithaca for over thirty years, and during those three decades, I have observed with sadness and horror, the burgeoning number of homeless people residing in illegal, makeshift encampments throughout the city. Mostly these folks burrow away in city land behind shopping plazas like Walmart, and are hidden from public view, causing little if any concern for most city residents and business owners. But now and then, and increasingly more often, members of this disenfranchised community spill out into our parks and sidewalks, our store parking lots, and even in our backyards. There has been an alarming rise in break-ins and robberies in residential homes and in small downtown businesses, including The Mary Durham Boutique, run by The Women’s Opportunity Center, one of our beloved and respected nonprofit organizations, which provides invaluable support services for women in need.

I spent my career teaching in a New York State Correctional
Facility, dedicating myself to helping people who were convicted of felony crimes, often stemming from drug addiction, poverty, and mental illness. Many of my students were undomiciled, sleeping (when not incarcerated) in the streets, or in drug infested shelters, or in abandoned cars and buildings.

I felt (and still feel) an abundance of sympathy and compassion for these individuals, and I worked tirelessly for many decades to help them improve their lives through education.

While it is indeed not a crime to be homeless, or to be drug addicted, for that matter, the undeniable truth is that our growing homeless population, many of whom are also drug addicted, do commit crimes that directly impact our community, harm the environment, and put residents and small businesses in danger.

I read through the proposed City of Ithaca Pilot Administrative Policy - Unsanctioned Encampments on City Land.

The proposal discusses a complicated and lengthy, and ineffective procedure for keeping homeless individuals from trespassing on land that could harmfully impact the community.

The idea of shying away from enforcement, and possibly not even using the word “enforcement,” is not what I expect from my city government. We have laws for a reason, laws that all residents must abide by, and for the safety of everyone, we must expect these laws to be enforced. No trespassing should mean just that: No Trespassing. Without enforcement, the law is ineffective and useless.

According to the proposal, people camping illegally would be given six chances, over at least six days, to leave an illegally
occupied site. This is simply ridiculous and unfair. If I were to commit a property violation, such as vegetation growing over my sidewalk, I am given zero chances to comply with the law.

The City must enforce its policies and laws consistently. One notice of warning is acceptable and humane. More than that is simply irresponsible.

According to the policy, Illegal campsites in parks are not permitted to be cleared of homeless intruders for at least 24 hours. That is quite simply unacceptable. Parks belong to everyone! The presence of an illegal campsite in a park would effectively stop me, or a class of daycare children, or any of my neighbors from being able to enjoy that public resource.

I understand that the issues of homelessness are complicated. However, I believe the city needs to be mindful and responsible to all its residents when implementing policy that will keep our city safe for everyone who lives and works here.

Sincerely,
Rosner
Hope you are doing well! Must have been some challenge working on this policy... as the expression goes like herding cats.

Don't know if you or the staff is tuned into some of the neighborhood listservs in light of everything you have to do. I've pulled some posts from the FCNA listserv and pasted them in below.

My take is the green zone is (should be) purposed to serve as a model for homeless camping. Is Red, Yellow, Green necessary? Seems anyone not in the green zone needs to transition to the green zone once developed according to building guidelines for such a campground 'zone'.

Would love to have seen more requirements called out as you do for other land use zones, in this case the requirements for campsite housing.

We have a city land use policy regarding camping that applies to everyone and it's simple: No camping is allowed on City owned land.

We have no hesitation to regulate folks that violate that policy... There is of course a major difference. The campground is purposed as a form of housing. For those that don't have any other.

This campground isn't recreation for the homeless, it is home. That's where it gets sticky because there is no one organization that delivers systemic process/programming to address the 50-150 campers who happen to be homeless at any one time.

Who will take responsibility for the operations and supervising the campground, the campsites? Who will be the lead agency/organization?

Why not position this policy more intentionally in context of entry point housing? There is no way that near term such housing can be eliminated. If ever we will be able to do so
considering how long it takes to address affordable housing needs. Would it make sense to specify what any development on a property designated as a 'campground' would require, e.g., designated campsites, minimal water, toilet and wash facilities for this zoning?

Could existing public and private campground policies offer additional perspective? Could lessons be learned from the various public and private campgrounds/sites be helpful?

Would it make sense to emphasize even more that you're providing a land use and its development policy. By itself if cannot address the needs of the specific population being addressed. The policy as you know, will not make the issues go away without systemic integrated human services support that such a population requires to successfully transition from campground housing to alternative shelter and stable housing.

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Emails to FCNA - Jungle Housing and Beyond
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The solution to homelessness isn't the land use policy. Is it needed? Yes - as part of addressing the issue.

The proposed Green Zone is land similar to the land where Nate's Floral Garden is located - where in the past mobile home parks were allowed to be built. Land that's right next to the railroad. That is marginal land; in Nate's case built on a dump site. The type of land that municipalities used to and some still do, zone for mobile home parks often next to an industrial zone.

Call out the land use policy for what it is supposed to be: Land for a City Campsite specifically providing temporary camp type housing for a portion of our homeless population because no other housing solution is available until a systemic housing and support process is put in place that is uniform across the County not just the City.

Why not proclaim it as park land and fix it up so that the Green Zone starts out minimally as a basic real campground: open space campground; fire pits; portable water; minimally portable toilet facilities and wash facilities; maintained like any other parkland - mowed like all the park recreational facilities; 25-40 campsites with individual site ground cover to put up a tent or similar temporary shelter.

This could be built/set up and operational in thirty to forty-five days (at least by the private sector if the approval process didn't take what it takes for other development months, years.

Once built, the dead moose on the table of course is who will provide daily, weekly, monthly operational support - the staff - to manage it as a campground? A campground with special needs... Build it and they will come... Maybe. Build it and only when the campground is complete and operational support services are in place would folks be transitioned from the Jungle to what might be called Camp Transition. A camp with common sense rules and regulations for camping. A campground that is entry point to housing beyond a 'tent'.

Pipe dream? Alternative reality? Certainly, a do-able alternative.

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The draft *Pilot Administrative Policy - Unsanctioned Encampments Policy on City Property* is no more than city land use policy specific to a small segment of the population. At best it says you can live here on this designated piece of land temporarily but does not address what if anything the City will do to assist transitioning to shelter and stable housing.

The issue you and others on this listserv care about is found on page 1 of the pilot document: "Following adoption of a City policy regarding unsanctioned encampments on City-owned property, the working group will recommend an appropriate City role and **actions to assist unsheltered persons experiencing homelessness transition to shelter and stable housing.**" (Bold/Underlined - mine; see after cover letter page 1 - draft package)

What if we started with thinking about camping sites on City property for anyone? With all of the state parks nearby such a proposal would fall on deaf ears. If there weren't any state parks nearby would we consider camping in City Parks? How would we treat people who wanted to camp in our parks irrespective of their status or living circumstances?

Wouldn't we set expectations for what campers could/should expect in the form of rules and regulations for camping and what would these look like? What do rules and regulations look like, e.g., in NYS parks? Suppose we started with these? How would these be different for a camper who happens to be homeless, who does not have the resources that campers who are vacationing have?

Dear readers, before you immediately dismiss the rules and regulations under "Camping" what changes/deletions/additional provisions would you make to enable a homeless camper to be able to stay on a campsite? Does the section on Campfires make sense? Does the General Behavior section make sense? My point is that these rules and regulations give us food for thought and action as to what expectations should be in place for camping that is temporary housing. How are rules and regulations regulated in parks? With park rangers - a form of outreach persons? I imagine only if crimes such as battery, theft, rape, etc., were committed then police would be called in.

Why wouldn't we want to start with the assumption that the homeless campers are like any other campers visiting a park willing to live by a set of rules and regulations in exchange for being able to camp there. Breaking these rules specific to camping would have consequences, as last resort eviction? And breaking laws that are criminal in nature would also have consequences as they would for every resident in the City.

There is very little in the draft policy as to development requirements for the site in terms of how it is to be configured and managed. Will it be configured at all similar to a private or public campground with defined sites, with access to toilets/showers and water, with a minimum shelter such as found on places like the Appalachian trail to complement what the camper has? Will that be part of the follow-up after adoption of the policy?

Is there anything in the camp rules and regulations other than what is reasonable to expect?

Whether homeless or not a camper is still a camper. The difference is "*Following adoption of a City policy regarding unsanctioned encampments on City-owned property, the working group will recommend an appropriate City role and **actions to assist unsheltered persons experiencing homelessness transition to shelter and stable housing.***"
Too bad the name of the policy wasn't simply Encampment Policy on City Property - "no camping is allowed on City property except as part of homeless transitioning as described below..."

Best, Schoeps
I just realized yesterday was the 7th and I missed the deadline, my apologies. I will keep this concise.

Here is our feedback:

1. Yes, enforcement is appropriate. The PD doesn’t want to be overly involved or heavy handed, but people need to know there is potential consequences of not adhering to this ordinance. That alone should help prevent us from having to take enforcement action.
2. Police presence should be used only after all other forms of notice and outreach have occurred (involvement of social services, outreach, nonprofits, medical, written notice etc).
3. Hard no vote for the amber zones! This will be equally confusing for community members, police officers, attorneys, judges etc.
4. How will the City "log" notices to people in red zones? This seems problematic logistically, possibly making enforcement unrealistic.
5. Our hope is that people are moved from "Red Zones" just as the De-watering site was cleared. IPD had very little involvement. 1 officer had to speak with 1 person, who ended up moving. No enforcement taken.
6. Tammy Baker should help designate "Red Zones". Let's move people from the easiest places first, then work on the places where people will be more resistive to moving from last.
7. Longevity needs to be carefully thought of. 10 or so years ago, "Jungle 1" behind Agway, which is RR and City property, was cleared of all debris and people. This lasted a
couple years and now has completely been re-established. Whatever we do should be able to be sustained indefinitely!

Thanks,

Schwartz
From: Shea
Subject: City plan for encampment

Hi Lisa,

I’m a longtime resident of Ithaca, came from Auburn to raise my daughter here, better environment, more opportunities 1977. She is now a lawyer in the Public interest. I think we need to shrink the footprint of the Green zone. I understand the homeless population has tripled in the last year or 2. Pls see “Seattle is Dying” u tube cautionary tale for us..

As a resident I see people on bikes toting carts, one of which were stolen from Ithaca Community Gardens. At Floral Ave garden, someone stole our solar batteries. I see people under the influence near Purity on Fri. nite, no shoes on in stocking ft, what?. Lets face it, there is a certain element of these folks that are like pirates.

WE have a real problem here! I’m for police enforcement of criminal behavior & protect our vital green spaces which are for public use. I don’t want camps spread thru-out the City. The Public Health issues alone in the JUNGLE are cring worthy, those will spread along with same issues that plague the jungle, That’s not camping, that’s squatting. Any well intentioned amendements are vandalized by a certain few.

I did my internship @ Red Cross Emergency Shelter just before David Malcom was murdered. If some of the people setting policies have ever been the victims of violence, maybe they would’nt be so eager to foster the growth of a criminal class. Provide services for the needy & those seeking housing & a decent life. Discourage the sociopathic behavior. Thank you Lisa. Shea
To be honest with you and whom this may get to.
I have No idea of Why that camp was allowed to start in the first place?? If the city had done something back then it wouldn't be the issue it is now!
I believe the most of the people there don't want or have any desire to live with rules of society that the rest of us live with.
Some of the people there have mental health issues. Why hasn't this issue been dealt with? They should be some place to help them even when they dont want to. They are not ready to be mainstreamed into society! Some of them there get hooked on drugs. Another problem! Drugs is another issue that hasn't been dealt with there!
I know some of the people there just can't afford to rent someplace for many various issues mostly I believe to the high cost of living here.
I don't have the training or education to know how to deal with this situation. Somebody in this area should! I think it's time to deal with the problem and stop thinking it'll take care of itself!

Spaulding
From: Sprague
Subject: Jungle

I am writing to share my perspective and concerns regarding the proposed plan to address the Jungle. As discussed in the Ithaca Voice article there has been an increase in homelessness since the pandemic. In October of 2020 the case management program was cut at TCMH. This program focused on the most vulnerable county populations including homeless and those struggling with mental illness. This program was vital to the community in assisting homeless in accessing shelter and long term housing as well as maintaining mental health services. The programs that replaced TCMH Case Management (Care Cord) are unable to assist individuals at the necessary level. Both have constant turnover, restrictions around services and one is not even in this county. The missing component in addressing the homeless is addressing the gaps in mental health care and assistance navigating the complicated Human Services world. I believe the goal is to build trust, hope and pride in individuals while assisting them in obtaining and maintaining long-term housing not spending taxpayers money on making things more complicated.

Thank you for your time and feel free to contact me.
Sincerely
Sprague
From: St. John
Subject: Jungle

I believe the money that is the city gets from TAX PAYERS should be used for road improvement projects. It may sound cold but, the homeless will not treat anything you give them with respect and it will look the same in 6 months time.
From: Talley  
Subject: Feedback on Pilot Policy on Unsanctioned Encampments

Thanks for requesting feedback & input from residents on the draft policy for encampments. My input is specific to Negundo Woods. Negundo Woods is a wetland area & still designated, as far as I know, a Natural Area on the Ithaca Master Plan. Please don’t change that. It’s important for wildlife, birds, insects, marine life & our overall water quality.

In addition, as you know, the Black Diamond Trail, important to locals & visitors alike, is projected to go through the Woods to connect the bridge now being built over the channel to Buttermilk Falls & eventually to Robert Treman Park. Again, this BDT connection is very important for our city & area. The Trail is widely known for its beauty & safe, restful passage.

Considering just these two points, it is implausible to me & seems completely inappropriate for the Woods to be designated as an amber zone. Camping in Negundo Woods should not be a "lower priority for enforcement." Camping must be "strictly prohibited" (red). There’s too much at risk. Please work to make sure we safeguard these Woods as this critical encampment issue is further explored.

Thank you
Best Regards,
Talley
Comments on the Draft Pilot Policy generated by the Working Group for Unsanctioned Encampments

Tompkins Environmental Management Council (TCEMC)

We appreciate that this rational plan draws from other models and emphasizes human rights.

As well, it is prudent to designate specific places in which camping will be allowed on lands owned by the City of Ithaca.

TCEMC wishes to emphasize three issues:

1) Protection of natural and water resources. This point is made in your presentation (p. 14 of the document). We would add the following:

   a) Because we are facing a dramatic loss of biodiversity throughout the United States and the world, every municipality must make concerted efforts to be part of the solution. City-owned lands are the place to begin. “Sacrifice zones” or further degrading lands can no longer be part of the equation. We must move beyond that type of thinking. Instead, the City can enhance green spaces and consider planting “food forests,” which can improve mental health and address food shortages. Active and beneficial land use should be prioritized rather than considering it unused or sacrificed.

   b) Our waterways lead to our lake, the source of drinking water for many, a significant tourist attraction, and the home to many aquatic organisms. Encampments in the past have generated waste and polluted the waterways. This must not continue. Pollution in the waterways from every source is a problem for us all.

   Any plan by the City should include protection of the waterways from trash, sewage, or other refuse.
2) Flooding Risk. As we well know, warmer air holds more moisture and extreme rain events are becoming more common and problematic as our climate changes. Keeping this in mind, if one overlays the map presented in this document with the flooding risk faced by the City of Ithaca, problems soon become apparent. (See the FEMA flood risk map and RiskFactor from First Street Foundation.)

Although the City hopes to address the flooding risk by creating higher walls on channels, those do not yet exist and, in any case, they may fail.

a) Will the people camping in the designated areas be safe in the case of flooding? Are they at greater risk because they are living in particular areas? Will people be educated about the risks of flooding and what to do if one occurs? How will they be rescued should that be needed?

3) Risk from excessive heat.

Ready.gov regularly provides updated information about how residents can cope with excessive heat. NOAA provides information about the increase in the risk of excessive heat. We in the Northeast have the humidity as an additional factor, described as “real feel.” This creates risks beyond what those in dry climates face.

Will those living in encampments be able to cope with excessive heat? What measures will be offered to address this?

We thank you for considering these important environmental and climatic points.

Sincerely,

Darfler
on behalf of the Tompkins County Environmental Management Council
August 4, 2023

To: City of Ithaca Mayor, Common Council, Department of Planning & Economic Development

Re: Tompkins County Statement Regarding the City of Ithaca Pilot Administrative Policy – Unsanctioned Encampments on City Land

The County’s interest in providing this statement is to clearly outline the County’s role in addressing homelessness in our community and our commitment to a productive ongoing partnership with the City of Ithaca.

The City of Ithaca’s draft policy on unsanctioned encampments on City land represents one piece of the complex puzzle of addressing the issue of homelessness. Tompkins County appreciates the City of Ithaca’s stated commitments to addressing unsanctioned encampments with a respectful approach that balances neighborhood concerns, responds to criminal activity when necessary, and delivers resources to those in need in order to prevent and respond to homelessness. The County recognizes that in some cases enforcement or response to issues occurring on City land may be necessary when there are public safety or health concerns.

As to the prompts for input and comment, Legislators and appropriate County staff are empowered to provide feedback directly to the City. Tompkins County will continue to make staff available for comment and partnership at the City’s request.

Tompkins County has a longstanding mandate and interest in addressing homelessness through social services, housing supports, and other collaborative efforts. Tompkins County Administration will continue to coordinate efforts with the support of the Legislature. The County’s ongoing activities and commitments are to:

- Provide social services and emergency assistance for those in need and seeking shelter
- Contract with providers for shelter beds and identification of additional strategies for increasing shelter bed supply
- Provide mental health and addiction treatment services through Tompkins County Whole Health and partner agencies
- Administer Code Blue emergency shelter availability during the cold weather season
- Support law enforcement investigations into criminal activity and collaborate with other agencies for crime prevention and response under the purview of the Tompkins County Sheriff’s Office
- Engage with community partners to explore additional collaborative approaches to reduce unsheltered homelessness
- Consider alternative to law enforcement approaches for issues such as mental health crises as outlined in the Reimagining Public Safety collaborative plans
- Support some outreach worker programs designed to connect with individuals in need and offer a compassionate connection to available resources
- Fund sponsored agencies in the community who assist people in need by delivering housing services, health and human services, access to healthy food, legal aid, and other programmatic areas
Act as a convener of local leaders and groups addressing these issues
Advocate for resources at the State and federal level as appropriate

While homelessness is first and foremost a housing issue, Tompkins County recognizes that there are many intersecting issues facing individuals experiencing homelessness as well as the community of neighbors, support systems, and law enforcement.

In the absence of enough housing to get everyone in need a bed, providing resources and working to ensure the safety of residents are laudable goals for local governments. We thank Common Council, the Mayor’s Office, and City staff for your work on this draft policy and look forward to continuing to work with you to support getting unhoused people into appropriate housing situations when they are ready, and to surround people in need with resources and connections to stabilize and ultimately thrive.

Black
Chairwoman, Tompkins County Legislature
From: McDonald
Subject: County staff comments: Pilot Encampment Policy Framework Circulation

Attached please find County staff comments on the Pilot Encampment Policy Framework. We’ve gathered input from the County’s Homeless Services Coordinator, the Department of Planning and Sustainability, and the Department of Social Services into one document for your convenience and appreciate you sharing the draft document with us.

Thank you,
McDonald

McDonald Deputy Commissioner
Tompkins County Department of Planning and Sustainability

Subject: Pilot Encampment Policy Framework Circulation
Subject: Pilot Encampment Policy Framework Circulation

Please find attached a Draft Pilot Policy that was presented to the Planning & Economic Development Committee of Common Council at their June 21st meeting. The policy was drafted by the Working Group for Unsanctioned Encampments, whose charge is stated at the top of the document.

The Committee is seeking input on all aspects of the policy and is particularly interested in receiving feedback on the following areas (highlighted in yellow in the attached document):

1. Use of the word enforcement (alternatives are administration, implementation and response or response protocol)
2. Alternatives to the 6 -step protocol described in B(4) of the policy. Should a police response be used? If not, what other steps should be taken to achieve voluntary compliance?
3. Should the policy include amber zones? Is so, what lands should be included?
Good afternoon,

Tompkins County Whole Health submits this email in response to a solicitation for comments on the proposed encampment plan. We fully support and appreciate the City’s effort to find solutions to this very difficult situation. We are ready to partner in any way that may be helpful. Our comments are meant to provide our perspective and not serve as barriers. The attached document from our Environmental Health Division is meant as a guide to the many places our regulations are impacted by both the current and proposed situations. We have deferred acting out of deference to the efforts to find collaborative solutions. We are providing the citations of Public Health Law and the Sanitary Code so the workgroup and city attorney can be aware of the intersections. When it is appropriate, we will be ready to discuss your plans and how we can make recommendations to achieve compliance.

Below are some more general comments on the proposed plan.

1. Develop clear safety guidelines for when Enhanced Street Outreach Workers and the City’s Homeless Outreach Coordinator will not respond - It is vaguely written in the current version “when they don’t feel safe”. Outreach workers from different organizations/even different staff in the same organization may have a different comfort level on what “feels safe”. Are the expectations different for volunteers?
2. Clarify what happens when law enforcement issues a citation and the individual fails to appear in court. A clear protocol will be needed to respond to those few who do not relocate. If law enforcement is expected to do something, then it should be clear what they will be asked to do. It is also unclear how much time lapses between each outreach effort. Is the timeline different based on priority (emergency condition, red zone or amber zone)?
3. Expand evaluation section - how will success be measured?
Thank you for the opportunity to provide input. We look forward to continued collaboration as the process moves forward.

Thanks

Kruppa, MPA, MPH
Commissioner

Tompkins County Whole Health
The Tompkins County Sanitary Code (TCSC) begins with several references from Article 3 of the Public Health Law of the State of New York describing sections that outline the authority and force of law given to local boards of health and county sanitary codes. The following two excerpts are relevant to the enforcement of the City of Ithaca’s Unsanctioned Encampments on City Land pilot policy:

Section 348 provides:

The provisions of the sanitary code of a county or part-county health district shall have the force and effect of law. Any non-compliance or non-conformance with any provision of such sanitary code or of a rule or regulation duly made thereunder shall constitute a violation punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment. Certified copies of the sanitary code of a county or part-county health district shall be received in evidence in all courts and proceedings in the state.

Section 1308, Public Health Law:

Powers and duties of local boards of health. It shall be the duty of local boards of health to enforce the public health law, the state sanitary code and local sanitary codes whether promulgated by the county or any of the political subdivisions within said county.

A local board of health is hereby authorized to make an ex parte application for a temporary restraining order and upon sufficient proof to satisfy it, the court may grant such an order, where there is a violation within the jurisdiction of the local board of health which requires immediate relief.

The Unsanctioned Encampments on City Land pilot policy does appear to sanction certain activities that are not in conformance with the following Articles or subdivisions of the Tompkins County Sanitary Code. The following items referenced will or may apply:

ARTICLE I
Definitions and General Provisions

§ S-1.01. Title. [Amended 5-9-2000]

The rules and regulations herein contained shall constitute and comprise and be known as the Sanitary Code of the Tompkins County Health District.

§ S-1.02. Definitions. [Amended 5-9-2000]

When used herein, unless otherwise expressly stated, the following terms shall have the meanings indicated:
DRINKING WATER — Potable water available for human consumption, food preparation or culinary purposes.

DRINKING WATER SUPPLY — A water supply which provides potable drinking water.

GARBAGE — All animal and vegetable wastes resulting from the processing, preparation, cooking or serving of food, and other putrescible materials.

HOLDING TANK — A watertight container used to receive and store liquid wastes in a sanitary manner until they can be transported for treatment or disposal according to S-11.02f or S-11.03a.

OFFENSIVE MATERIAL — Any sewage or human fecal matter or the contents of holding tanks, cesspools, septic tanks and chemical toilets in either liquid or solid state.

POTABLE WATER — Drinking water which complies with the standard established in Part 5 of the New York State Sanitary Code.

REFUSE — All putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

RUBBISH — Includes solid or liquid waste material, including but not limited to: paper and paper products, rags, trees or leaves, needles and branches therefrom, vines, lawn and garden debris, furniture, cans, crockery, plastics, cartons, chemicals, paint, greases, sludges, oils and other petroleum products, wood, sawdust, demolition materials, tires and automobiles and other vehicles and parts for junk, salvage or disposal. Rubbish shall not consist of garbage or other putrescible material, incinerator residue, street sweepings, dead animals, offal, hazardous substances or offensive materials.

SEWAGE — The combination of human, household, industrial, other liquid or animal wastes with water including the waste from a flush toilet, bath sink lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

WATERS — Includes lakes, reservoirs, springs, wells, rivers, streams and creeks within the territorial limits of Tompkins County and all the bodies of underground or surface water, natural or artificial, public or private (except private waters which do not effect any juncture with natural surface or ground water) which are wholly or partially within or bordering the county or within its jurisdiction.

§ S-1.03. Applicability; legal effects.

A. The provisions of the Sanitary Code shall be in force throughout the County of Tompkins.

B. The code shall be supplemental to the Public Health Law, the New York State Sanitary Code, the New York State Environmental Conservation Law, Penal Law and other New York State Laws relating to public health and shall, as to matters to which it refers, and in the territory prescribed therefore by law, supersede all local ordinances heretofore or hereafter
enacted inconsistent therewith.

§ S-1.05. Penalties for offenses.

The provisions of the County Sanitary Code shall have the force and effect of law. Penalties for violations or non-conformance with any provisions of such County Sanitary Code or of any rule, regulation, order or directions made thereunder shall be in accordance with provisions of the Public Health Law of the State of New York. Certified copies of the County Sanitary Code shall be received in evidence in all courts, and proceedings in the State.

a. Penalty by the Board of Health. Pursuant to the provisions of Section 309 of the Public Health Law, the Board of Health may impose a penalty not to exceed five hundred dollars upon a person for any violation of or failure to comply with any provisions of the Sanitary Code or of the State Sanitary Code, or any order made pursuant to such codes or to law after holding a hearing thereon. Each day on which such violation or failure continues shall constitute a separate offense. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty provided by law.

b. Violation. Pursuant to the provisions of Section 348 of the Public Health Law, any noncompliance or non-conformance with any provisions of the Sanitary Code or of any rule, regulation, order or special direction duly made thereunder shall constitute a violation punishable by a fine of not more than two hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

§ S-1.07. Inspection generally.

a. All premises covered by the regulations of this Sanitary Code shall be subject to inspection by the Commissioner of Health. No person shall refuse to allow any officer of the Department of Health or their assistants to fully inspect any and all such premises, and no person shall molest or resist any officer of the Department of Health or their assistants in the discharge of their duties.

ARTICLE IV
Refuse Disposal
[Amended 5-9-2000]

The purpose of this article is to protect public health and the environment by avoiding public health nuisances and public health hazards caused by refuse accumulation, collection and disposal.

§ S-4.01. Accumulation.

a. No person shall accumulate refuse except as follows:

1) All refuse shall be drained as free as possible of liquids.

2) Garbage shall be accumulated in closed, durable, non-absorbent water tight containers. The interior of reusable containers shall be kept clean by thorough washing and
draining as needed.

b. On every premise there shall be adequate containers (S-4.01a2) to accumulate refuse and so placed and maintained as to not create a nuisance.

ARTICLE V
Nuisances and General Sanitation

§ S-5.01. Nuisances; inspection; investigation.

a. The Commissioner or his duly authorized representative shall investigate all complaints of any nuisance which may affect health.

b. The Commissioner or his duly authorized representative may enter upon or within any place or premise where he has reason to believe a nuisance or condition dangerous to life exists or where a place or premise is maintained or operated in a manner to constitute a public health nuisance.

§ S-5.02. Nuisances; notice to owner and others.

If a nuisance which may affect health, or a condition dangerous to life or health has been found to exist, the Commissioner or his representative shall supply the owner, agent and occupants of place or premise with a written statement concerning the nature of the nuisance or condition and initiate procedures as in his opinion shall result in voluntary abatement of the nuisance or condition.

§ S-5.03. Nuisances; hearings and orders.

a. Upon the filing in the department of the written statement (§ S-5.02) the Commissioner may cause to be served upon the owner, agent, or occupant of such place or premise a notice to appear at a stated time and place, to show cause why such condition should not be declared a nuisance, or a condition dangerous to life or health, and why an order for its abatement should not be issued.

b. If after such hearing the Commissioner determines the condition found to exist constitute a nuisance or condition dangerous to life or health, a copy of the findings determination and order shall be served on the owner, agents or occupants, and posted conspicuously on the building. Such order shall specify the time period within which the nuisance shall be corrected and the building, dwelling, or premise placed in a sanitary and habitable condition.

§ S-5.04. Abatement of nuisances.

a. Failure by the owner, agent, or occupants of any premise whereon any nuisance or condition deemed detrimental to the public health exists or causes the existence of a nuisance elsewhere, to comply with any order or regulation for the abatement, suppression, or removal of such nuisance or condition, may be reason for the Commissioner or his duly authorized representative to enter upon the premises to which such order or regulation relates and to abate, suppress, or remove such nuisance or condition.
The expense of such abatement, removal, or suppression shall be paid by the owner, or the Department or County may maintain an action to recover the expense of such abatement in accordance with Sections 1306 and 1307 of the Public Health Law of the State of New York.

§ S-5.06. Public places.

a. Every person who shall provide a toilet or lavatory for the use of employees, patrons, or members, or available to the public shall maintain such toilet or lavatory at all times in a clean, well lighted, ventilated and sanitary condition. The floors shall be impervious to moisture and properly drained. An adequate supply of soap, running water, and sanitary individual towels or their equivalent shall be available at all times. No towel, hair brush, comb, or drinking cup for common use is allowed.

b. In a building or dwelling wherein two or more tenants have common use of a toilet, lavatory, or bath the owner either directly or through his agent in charge of the building, shall be responsible for the sanitary maintenance of these facilities and shall keep them in a functional and sanitary state of repair.

ARTICLE VI
Sewage Holding, Treatment and Disposal
[Amended 5-9-1989; 5-9-2000]

The purpose of this article is to protect the public health and the environment from the dangers of exposure to infectious and other disease causing agents which may be present in sewage, and to prevent the contamination of groundwater, surface water, or soil by wastes from individual or non-municipal sewage systems.

§ S-6.01. Design standards and waivers.

d. Waivers from Article VI of the Tompkins County Sanitary Code may be requested of the Tompkins County Board of Health where specific hardships or circumstances make it difficult to comply with Article VI and the waiver provides for an adequate level of public health and environmental protection.

§ S-6.02. General provisions.

a. Where a municipal sewage system is available and accessible, no person shall construct any other sewage system except for temporary use in connection with a construction project. When a municipal sewage system is available and accessible to any property, the permit issuing official may order the owner to abandon the use of any other sewage system and to connect with the municipal sewage system within a specified period of time.

b. No person shall expose or discharge human wastes or sewage to the atmosphere, or to the surface of the ground, or into any storm sewer or drain or into any water course or body of water. This does not apply to persons operating wastewater treatment systems in accordance with a permit issued by the New York State Department of Environmental Conservation allowing such practices.
§ S-6.03. Construction permit.

a. The property owner, the sewage system operator and the builder of the sewage system are individually required to ensure that a Health Department construction permit has been issued and is in effect for an individual or non-municipal sewage system prior to beginning any of the following activities:

1) Construction, placement or siting of any building or structure requiring a sewage system, or…

§ S-6.05. Other regulations.

Nothing in this article shall exempt any construction of individual or public sewage systems from other applicable local, state and federal regulations.

The issuance of a sewage system construction or operation permit by state or federal agencies or a building permit by local municipalities shall not exempt any person from the requirement for a construction permit under S-6.03 of this article.

§ S-6.06. Special requirements in Tompkins County.

f. Holding tanks.

1) Holding tanks for sewage may be approved only for temporary use, whether continuous or intermittent, and only with the written approval of the permit issuing official. Such permits shall be renewable as specified and at least annually. Such facility shall be maintained to comply with all provisions of this article, subject to permit revocation. The permit may include conditions designed to ensure against overload or overflow of such tanks. Holding tanks on recreational vehicles or boats and commercial portable toilets with holding tanks are excluded from this permit or approval requirement.

ARTICLE VII
Water Supply

§ S-7.01. General provisions.

b. No persons shall serve, provide or make available or accessible for others, drinking water which is not potable or from a supply which is not adequately protected and maintained.

c. All drinking water supplies shall be developed, maintained, and operated in accordance with the latest published New York State Department of Health specifications, principles and practices or those principles and practices contained in the latest New York State Construction Code.

§ S-7.06. Bottled water.

No person shall sell, offer for sale or deliver bottled or bulk water for human consumption,
food preparation or culinary purposes unless it was obtained from an approved source and is
disinfected, bottled, and delivered under conditions satisfactory to the Department and
complies with Part 5-1.40 of the State Sanitary Code.

§ S-7.07. Water delivered by tank truck.

Water delivered by tank truck shall be potable, from an approved source, and at the time of
delivery to the consumer shall have a free chlorine residual of at least 1 part per million. Such
tank trucks shall have been inspected and approved for such services by this Department or
Health Departments in adjacent counties prior to any delivery.

ARTICLE IX
Air Pollution Control
[Amended 5-2-2000 by L.L. No. 5-2000 7; 10-11-2005 8]

The purpose of this article is to protect public health and the environment by avoiding public
health nuisances and public health hazards caused by open fires and other air pollution
sources.

§ S-9.01. General provisions.

a. This article is supplemental to applicable rules and regulations of the New York State
Department of Environmental Conservation.

b. No person shall discharge into the outdoor air any contaminants, smoke or other material
that may cause:

1) Nuisance or annoyance to or disturb the comfort or repose of any considerable
number of persons or the public; or

2) Injury to or endanger the health and safety of any person; or

3) Substantial injury or damage to business or property.

Such discharges shall be controlled using all available technology.

§ S-9.02. Open fires.

a. No person shall burn any rubbish in any open fire except in conformity with the
provisions of this article.

b. No person shall burn, cause, suffer, allow or permit burning in an open fire of:

1) Garbage.

2) Rubbish, except:
(i) Rubbish resulting from residential activity, outside of a boundary of 1/8 mile of the periphery of any city or village and so long as no violation of § S-9.01.b is created.

(ii) Rubbish resulting from farming activity.

3) Materials resulting from the demolition of buildings or structures.

c. The following types of open burning shall not be considered violations of § S9.02.b:

(1) Fires in outdoor grills and outdoor fireplaces for the purpose of preparing food.

(2) Campfires and fires used solely for recreation purposes. However, the burning of leaves and lawn and garden debris shall not be considered recreational burning.

(3) Fire-training exercises sponsored by an agency or fine recognized by the Tompkins County Department of Emergency Response.

ARTICLE X
Water Pollution Control

Chapter II, Parts 75-76 of the Sanitary Code of the State of New York and/or the Laws or Rules & Regulations of the New York State Departments of Health and/or Environmental Conservation shall apply.

The following are supplemental for Tompkins County.

§ S-10.01. Definitions.

As used in this article, the following terms shall have the meanings indicated:

WATERS — Includes lakes, reservoirs, springs, wells, rivers, streams, and creeks within the territorial limits of Tompkins County and all the bodies of underground or surface water, natural or artificial, public or private (except private waters which do not effect any juncture with natural surface or ground water), which are wholly or partially within or bordering the county or within its jurisdiction.

SEWAGE — The water carrying human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

OTHER WASTES — Garbage, refuse, decayed wood, sawdust, shavings, sand, offal, oil, chemicals, all other discarded matter and thermal energy, not sewage or industrial waste, which may cause or might reasonably be expected to cause pollution of the waters of the county.

§ S-10.02. General prohibition.
a. No person shall discharge from any source whatsoever such quantities of sewage, industrial waste or other wastes into the waters of the county which: a) cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public; b) endanger the comfort, repose, health or safety of any such persons or the public; or c) have a tendency to cause injury or damage to business or property.

b. No person shall, directly or indirectly, throw, drain, run or otherwise discharge into such waters any sewage, industrial waste, or other wastes that shall cause or contribute to a condition in contravention of the standards adopted by the State of New York Water Resources Commission, State of New York Department of Health or State of New York Department of Environmental Conservation.

c. All discharges into the waters shall meet or be treated to meet the requirements of §§ S-10.02a and S-10.02b above.

ARTICLE XI
Offensive Materials, Animal Waste, and Hazardous Substances
[Amended 5-2-2000 by L.L. No. 5-2000]

The purpose of the article is to protect the public health and the environment by avoiding public health nuisances and public health hazards caused by the handling or disposal of offensive materials, animal wastes and hazardous substances.

§ S-11.01. Offensive material.

a. This section is supplemental to applicable rules and regulations of the New York State Department of Environmental Conservation, including that no person shall engage in the business of removing, collecting, transporting or disposing of offensive material within Tompkins County, regardless of the place of origin, without a permit therefor issued by the Department of Environmental Conservation.

b. No person shall remove or transport, or permit the removal or transportation of, any offensive material from said person’s premises except in such a manner or by such conveyance as will prevent the creation of a nuisance or the loss or discharge of such material. All such material shall be handled, covered, or so treated that it cannot escape or be accessible to rodents, flies or other insects or create a nuisance.

c. No person shall permit the deposition or storage of, nor shall hold, any offensive material on any premises or place, or in any building or structure, unless such material is so treated, screened, covered or placed as to not create a nuisance detrimental to health. All containers for the storage of such material shall completely confine the material, shall be rodent and insect proof, and shall be kept in an inoffensive and sanitary condition at all times.

§ S-11.03. Hazardous substances.

a. A person engaged in collecting or transporting, or in any process or procedure for
disposing of, hazardous substances within Tompkins County, regardless of the place of origin, shall do so only in accord with all applicable laws, rules, and regulations, including maintaining a valid permit if required.

b. No person shall permit the removal of any hazardous substance from his premises, place, building, structure or container except by a person operating in accord with all applicable laws, rules and regulations, including maintaining a valid permit if required.

c. No hazardous substance shall be disposed of by discharge or deposition on the surface of the ground, or into any stream, body of water, storm sewer or sanitary sewer, or by injection or discharge into the ground or release into the air without a permit from the Department of Environmental Conservation.

Additionally, a local policy allowing camping by five or more persons or parties on a tract of land for 60 or more hours in any calendar year, may have to be evaluated by the New York State Department of Health to determine if the allowed camping meets the intent of the Campground Code of the New York Codes Rules and Regulations (Subpart 7-3 of the NYS Sanitary Code).
Dear Director,

I am writing to respond to the City of Ithaca’s draft homeless encampment policy. I am 66 years old, retired, and a new resident of the Amabel co-housing development. I’ll be moving in to my house at 115 Inlet Road at the end of the month.

I’ve tried to quickly absorb the basic proposals in this draft, and I do have several immediate concerns.

1) Safety of not only the residents of the proposed encampment areas, but also of neighboring communities.
   --The Amabel neighborhood is very close to the proposed green zone behind Walmart and Lowe’s. And Negundo Woods, designated as under discussion, is basically our border to the east.
   --The primary public roads leading to Negundo Woods are our residential roads. Many of us chose to live in this community for its quiet natural setting and the security and comfort of knowing all our neighbors.
   --I read with some alarm and concern about the chances for “issues seen in “The Jungle,” such as drug manufacturing and abuse, theft and occasional violence, over the last 2-3 years.”

2) Supervision, sanitation, and containment within the allowed green zone.
   --How would it be assured that the encampments don’t creep outside the boundaries of the designated zone? Will there be un-crossable barriers around their perimeter? How would a camping resident be prevented from traveling down the train tracks into areas that are not “green?”
   --It’s alarming to me that city intervention or acts of enforcement might only be triggered, for example, after there were fires, garbage had piled up, or trees had been cut down. If the green zone is to be a designated camping area, why not designate and monitor the individual camping “sites” as if it were a campground, with specific plots and with appropriate waste, sanitation, and water facilities? Being reactive rather than pro-active seems to me short-sighted as issues can develop quickly and evolve into major problems if there is not very frequent monitoring.
   --Obviously simply allowing people to sleep on the ground somewhere is not a very humane solution, and the city must address the problem of homelessness with care for all its causes.

3) The designation of Negundo Woods should be RED—Camping Prohibited.
   --Negundo Woods is described as a wetland and a designated Natural Area on the Ithaca Parks
Master Plan of June 2018. It is also to be the site of an extension to the Black Diamond Trail. Any semi-permanent or permanent camping in such an area is likely to degrade water quality, create other problems with waste and noise, and have negative impacts on plants, trees, and wildlife. It would impede enjoyment of the trail, especially for any women hiking alone.

--The presence of homeless people in Negundo Woods could have spillover into our Amabel community. One resident family already had an intrusive break-in to their new house while they were gone for a few days. As many of us are single and older, unregulated camping so close by will create an atmosphere of anxiety and limit our freedom of movement.

Please take these concerns into consideration for the whole policy, and especially when evaluating the suitability of Negundo Woods for any encampments.

Sincerely,

Tietjen
To Planning & Economic Development Committee,

We appreciate all your efforts in trying to create tentative guidelines for the homeless, however, we believe you should rethink the proposed green zone location.

One major problem with your plan is that the true homeless will follow it, but the squatters and criminals will not. You are basically giving them 6 warnings — that is too many. Enough is enough, we are tired of not only looking at what the homeless have done to the scenery around Ithaca with all the garbage, needles and squatters standing on the street corners with their cardboard signs begging for money, Ithaca used to be gorgeous, but no longer feels safe to reside in or just visit. Seeing on the news a homeless person stating: “he makes more by panhandling than the average worker, working a 40-hour work week” makes us working people feel angry and upset.

Just last week I had 2 separate issues where my car was approached by a homeless person. In the first incident, I refused to open my window and a homeless man circled my car going from drivers’ side to passengers’ side and back to the driver side while my husband and I were parked at Jade Garden. The second time occurred while sitting at Tompkins County DSS parking lot where my husband works. Since it was so hot, my daughter and I were sitting in my car with our windows down. Someone approached my passenger window asking if I had any change and I told them no. Both situations felt very uncomfortable. And when you talk to the security and law enforcement with regards to these things, there is nothing they can do. This is not okay. We all should feel safe in our homes, in our vehicles, while out walking, while at a business, etc.

There is camping as most of us have done for vacation where we respect other people’s property and clean up after ourselves (as the Scout motto states – ‘Leave No Trace’). We should not have to clean up after all the homeless. If they lived at an actual campsites, they would have to follow their rules and if the City of Ithaca has a law of ‘No Camping’ then why is it being allowed at all?

Although the proposed green zone is convenient for the homeless, it is one of the worst areas in the entire city where one could allow the homeless to be placed. Yes, that area is not only affecting many of the biggest businesses within the city of Ithaca: Walmart, Wegman’s, Maguire’s & Lowes among others, but you are also proposing an area which is directly adjacent to Nate’s Floral Estates — home to over 100 elderly tenants many of whom cannot defend themselves and should not be put at risk of harm. They do not deserve to live in fear every day.

There have been many incidents where homeless have committed theft and property damage within Nate’s Floral Estates. Why should our tenants and Nate’s Floral Estates have to cover the
expenses of repairs and replacement of personal property when really that should all be on the City of Ithaca to cover the bills for what the squatters and criminals cause? If not the city, then the homeless who commit those crimes should make restitution either by paying back or through community service.

Stop putting our tenants at risk and stop making Nate’s Floral Estates and other businesses deal with this disgusting way of life! When I say disgusting, I mean those that just throw their garbage everywhere, not caring about how much we’ve done to keep it clean, all the dirty needles that are all over. What is it going to take to get the point across - that this is not okay, it is unsafe?

Why don’t those on common council open their backyards or homes for the homeless?

Please either rethink where you allow the homeless to reside or be prepared to protect the innocent taxpayers. If this area is approved as a green zone for the homeless then the city will be responsible for whatever may happen and the city should, at the very least, do the following:

1) Have a larger ‘buffer’ zone between Nate’s Floral Estates and the homeless i.e., not allow the homeless to camp behind Lowe’s or by the railroad tracks across the street from Nate’s entrance or along either side of Nate’s. All those options are too close.
2) Install and monitor video cameras along the fence between Nate’s Floral Estates and Lowe’s and pay to maintain the fence due to the frequent damage caused by the homeless.
3) Provide additional security for Nate’s Floral Estates and surrounding businesses. If the Ithaca Police Department has limited resources, then they should request assistance from the Sheriff and NYS Trooper Departments to patrol the area more frequently.

This Land Use plan is a beginning, but it must be modified because it is lacking something of vital importance – Keeping our citizens and taxpayers safe!

Please consider an alternative area within walking distance or city bus to stores where there is no one living nearby who could be harmed, such as:

Any vacant area away from homes and businesses – one tenant suggested the golf course. Maybe a vacant state park or vacant property in the city of Ithaca. There must be other places within the city where everyone can be safe, including the homeless.

As for the proposed amber and red zones, we believe they will just complicate issues with the homeless. Your plan needs to be clear, and firm so it should only include green zones. All areas outside of the green zones should be prohibited to the homeless encampments.

Thank you for your time and consideration.

Sincerely,

David & Crystal Weiner

Nate’s Floral Estates co-owners
## Attendees:

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<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
<th>Email</th>
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<tbody>
<tr>
<td>Cynthia Brock</td>
<td>Ithaca Common Council Ward 1</td>
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<tr>
<td>Rich John</td>
<td>Tompkins County Legislature</td>
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<td>Matt Van Houten</td>
<td>District Attorney</td>
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<td>Emily Ashby</td>
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<td>Deb Wilke</td>
<td>Secondwind Outreach</td>
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<td>Elline Weiner</td>
<td>Owner – Nate’s Floral Estates</td>
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<td>Weiner</td>
<td>Representatives - Nate’s Floral Estates</td>
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<td>Sprague</td>
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<td>Funke</td>
<td>Arthaus Manager</td>
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<td>Ayers</td>
<td>Arthaus Resident</td>
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<tr>
<td>Malcolm</td>
<td>Wegmans General Manager</td>
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<td>McKenna</td>
<td>Wegmans Asset Protection</td>
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<tr>
<td>James</td>
<td>Walmart Store Manager</td>
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<tr>
<td>Dietz</td>
<td>902 Taber Street/120-124 Brindley St</td>
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<tr>
<td>John</td>
<td>West End Stakeholder</td>
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<td>Saint-Perez Jimmy</td>
<td>Candidate Ward 3</td>
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<td>Jordan</td>
<td>Ithaca Voice</td>
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<td>Martin</td>
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Welcome – Cynthia Brock and George McGonigal

The purpose of this West End Neighborhood meeting is to discuss and receive feedback on the City’s Draft Pilot Encampment Policy¹. Notes from this meeting will be submitted to the Planning and Economic Development Committee (PEDC) by August 7, 2023. Individuals may send written comments to Lisa Nicholas at lnicholas@cityofithaca.org by the deadline. The PEDC will be discussing the policy on August 16, 2023.² Thank you to the Fraternal Order of Eagles for offering their space for the meeting and for their ongoing support for promoting community and connection in the West End.

Hard copies of the policy were provided, and a summary of the policy was outlined with questions received during the presentation.

Community Feedback

Impact of homeless encampments:

- Issues are happening everywhere, not just in the red zone – all areas should be red zones
- Nate’s is a thoroughfare shortcut for homeless traveling north
  - Fences are constantly being broken down, gates are damaged, people climb around the fence and go through the flood channel to get through Nate’s.
  - Home are being broken into, items stolen from porches when people are home, residents are threatened repeatedly
  - Residents feel invisible – City is not paying attention
  - Repeated fires at the encampments threaten Nate’s and safety
- Encampments should not be allowed near residential areas
- It is unfair for the City to allow garbage and trash everywhere in encampment areas when everyone else is fined by the City
- There is a huge upsurge in numbers of people needing food from the pantry, many are from outside the area, homeless individuals are moving around fluidly
- Please do something. We need funding for law enforcement and outreach/peer workers
- People don’t feel safe
- Please don’t generalize about everyone who is homeless. Encourage interaction and connection with those who are unhoused

Crime and Safety:

- Extreme frustration that City is not addressing the increase in criminal activity and threats to safety that occurs in areas next to encampments.
- Nothing in this policy helps to keep people safe from violence or crime associated with encampment areas (victimizing homeless residents, housed residents, workers, businesses, customers)

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¹ https://drive.google.com/file/d/1Bc60MxwYqaMIJaSHOnY4n6lwXN7vtdQ/view?usp=drive_link
² City Hall, 108 E Green Street, 3rd Floor. 6pm
• How will the City protect the residents of Nate’s?
• How will women and the vulnerable be safe in the green zone? What measures are being taken to maintain safety for residents in the green zone?
• Worry that the dangers associated with homeless encampments are being underestimated
• Encampment areas are currently a breeding ground for criminal activity (no oversight)

Comments pertaining to the draft policy:

• Everywhere should be a red zone
• Do not allow amber zones – it creates confusion, and there is more clarity without it
• There should be a buffer zone between encampment areas and residential and business areas
  o Don’t allow encampments behind Lowe’s, north of dewatering site – make it a red zone
• The City should install cameras between encampment areas and Nate’s Floral Estates to improve safety
• Move the encampments elsewhere – suggest relocating encampments to the City golf course. The West End has borne the burden of homelessness for too long
• Use of the word enforcement is fine – The City needs to be clear what that means. We need a cohesive response that includes law enforcement
• Six chances before relocation are too much – we need rules that work to relocate individuals
• Can the City place a satellite police office on Cherry to address safety?
• When designing encampment zones, please consider/include walking paths. Cannot block off access (will result in removal of fencing and damage as people find their way through private property)
• There is no limit to the number of people living in the Green Zone

Law enforcement side discussion

Q: Law enforcement cannot keep people safe who have housing (Arthaus) – how do we expect law enforcement to address crime and violence in the camping zones? How can we keep the unhoused safe?

A: Arrests require a witness and someone to press charges. Evidence must be gathered to build a case against an individual, and it takes time and law enforcement staffing. When someone is a tenant, they have privacy rights (landlords/police cannot enter apartments without permission). The victim needs to press charges against those who violate them, and if they don’t it is limited what can be done to keep them safe.

How to Participate in Public Comment Virtually

Email the Planning & Economic Development Committee:
You may submit a comment for an upcoming Planning & Economic Development Committee meeting by completing this public comment form. Comments that are received after 3:00 p.m. on the day before the meeting, will be held for consideration at the next meeting.

Register to Speak Remotely
At 9:00 am on the day of a Planning & Economic Development Committee meeting, a live link will appear on the PEDC webpage for you to register to speak at the beginning of the meeting via Zoom. The first hour of the meeting will be used for Public Comment. Up to 40 people can register to speak. Registration will close at 3:00 pm so that the Zoom meeting link can be emailed to you with instructions for participation. You will be selected to speak in the order in which you were registered. You must be present in the waiting room when your turn is called to speak or you will forfeit your time. You can use video or telephone to participate.

http://www.cityofithaca.org/FormCenter/Planning-Economic-Development-Committee-18/Planning-Economic-Development-Committee--98
Pilot Encampment Policy Framework Circulation

Wilcox

In my view, Amber Zones should only be permitted if adequate sanitary facilities, temporary or permanent already exist or are provided.

Frankly, I fear Amber Zones could be the source conflict between our homeless and local residents as competition for using open spaces grows.

It is important to avoid backlash as this effort builds momentum.

Is it possible to table that option for the time being to evaluate the success of the establishment of a secure green zone?

Regarding the role of utilizing police as the introduction of approved and unapproved camping sites is implemented, that should be at the discretion of the civilian administrators and volunteers. They need to feel and be safe, and it should be left to their judgment as to when a police presence would be helpful. I would hope that is not routinely necessary, but until the new camping zone is recognized as being helpful and safe by our homeless, some pushback might be expected.

An over arching concern regarding not only this proposed green zone, but also much of the area south of Cayuga Lake, is the recent expansion of designated flood zones.

Should the newly proposed green zone become flooded, or become threatened by our radicalized climate, I hope our city's current emergency procedures are or can be in place to provide safe temporary housing.

As a resident of this city off and on since the summer of 1971, and a homeowner, I am pleased our representatives are tackling this challenge. It is important to devote personnel and financial resources to flexibly trying out a set of procedures that will enhance the lives of the homeless, as longer term efforts proceed to develop more permanent housing options.

Clearly the Town of Ithaca and the County are also faced with the lack of adequate housing options for those who are often stranded and/or struggling in our county. I appreciated the coordinated effort this proposal demonstrates.

Wilcox
From: Wilke
Subject: Land management policy feedback

I am submitting the comment below that was written by a person who formerly lived in the jungle for several years. He has been in permanent housing for almost 2 years. His comment is in response to the cities draft policy for which you are seeking feedback. Here is his comment:

The people of Ithaca have finished the proposal regarding the different spots in town known as the Jungle is a draft of how they will move forward with the situation I'm impressed by the compassion and what they came up with all the debris trash And size is a problem the different areas people who are not mentally stable don't need to be seen by children or people spending there hard earned money at stores I know when I was there I didn't want people to see me as well I was dirty embarrassed but it didn't matter cause if I was gonna eat I had. To go into public. Most places would have said no more and I been on that situation can't even sit or lay down without getting arrested. The have an area where people can camp it's a lil tucked in and will provide the campers with clean place to shower. Bathroom and keep everyone there up to date with what housing is available at the time. I believe that's fair and hope everyone out there knows they want to help keep you healthy cleaned up and get you into. Housing warm in the winter without any discrimination and are doing all they can to keep police and or law enforcement away so not to confuse people into thinking their being targeted in that way they understand we're human I know. That lil bit of help whatever it was food medical some socks is what kept me going and gave me some hope when I was out there Thank you Thank u. Go to Ithaca voice is all there. Let me know what u think I'm not a writer just trying to pass on the news and say thank you for understanding and giving us a place and a chance to survive

I hope to submit my feedback before the end of today.

Thank you,
Wilke
Homeless Crisis Alleviation Coordinator
From: Winn  
Subject: Encampment Plan Feedback

I believe the city's proposed policy on unsanctioned encampments is flawed in a number of ways.

The area of 'Jungle #1' behind Warehouse Carpet Outlet should be included into the Brindley street Red Zone. It has been claimed by members of council this is impossible due to much of it being railroad property. The railroad has requested the city address these encampments in writing. There is the potential for someone to be hurt or killed by a train. To enforce the ban on the city property in Jungle #1 means getting the entire site under control. This area is a hotbed of violence and criminality. The entire area needs to have the trees and brush cleared and a series of concentric fences erected to render the area impossible to access. There is no practical reason Jungle 1 should not be included as a zero tolerance area.

My primary objection is the city sanctioning encampments in what is called the Green Zone. This area will become what amounts to a concentration camp for the homeless. It is remarkably reminiscent of a storyline on Star Trek: Deep Space Nine. Crew members find themselves in a 'Sanctuary District' for the homeless in year 2024. Please take the time to view the video clip I have included regarding the episode from the DVD extras.

The Green Zone, if implemented, is doomed to failure. There is a potential for a runaway growth in the population once word is out that you can live for free on city land. Violence and arson are a certainly.

I have imagined a scenario where some enterprising students take what would be a few months rent and use it to construct a domicile for themselves in the Green Zone. There is seemingly no check or control on who could and couldn't camp in the Green Zone.

The Amber color coded zones should be eliminated entirely. It contributes further uncertainty to an already confusing situation. There should be clear guidance on where it is appropriate to camp and where it is not. No ambiguity is appropriate on this issue.

There should, in my opinion, only be Red zones. Sanctioning these encampments means ignoring the illegal behavior that is their defining feature. Crowding people with substance
abuse and mental illness together when there is already a clear pattern of violence and arson is tantamount to murder. The crime, drug dealing and overdoses of the encampments will now be happening in a city sanctioned area. The Ithaca Police Department does not have the resources to police this population.

What needs to be done is to enforce existing laws. The city has a national reputation as a good place to live on the street. That reputation must be combatted. People who come here to camp on city land should find out it is unacceptable immediately. The long, extended series of warnings is impractical and only serves to embolden those violating the law.

I suggest the city turn this entire issue over to the County Legislature. Sanctioning these encampments will be like gasoline on a fire. This is all a very bad idea.
To: City of Ithaca Working Group for Unsanctioned Encampments

Thank you for sharing the draft policy: City of Ithaca Pilot Procedures for Administration and Relocation of Unsanctioned Encampments on City Property, I appreciate having the opportunity to review it through the lens of USICH’s 7 Principles for Addressing Encampments. The 7 Principles document was shared and subsequently presented to the group that crafted the draft policy, in December with the option of having me come back for further discussion if needed.

I want to acknowledge that the expectation that local officials “do something” has created an additional urgency that was already present due to the pandemic, rising housing costs, and attacks on policies that center housing with voluntary services. With communities exploring new and potentially punitive laws that may disproportionately increase law enforcement contacts for people experiencing homelessness, USICH wanted to share solutions that we believe lead communities toward responsible, humane, and effective responses, while speaking to the urgency of what communities are expressing. In the draft policy: City of Ithaca Pilot Procedures for Administration and Relocation of Unsanctioned Encampments on City Property, one of the first statements is that the City lacks the experience, capacity, and jurisdiction to provide the broad response of social services required to comprehensively address the needs of unhoused individuals. That level of introspection and understanding could have been the catalyst to create the recommended Cross-Agency, Multi-Sector Response team that included Continuum of Care representatives, advocates, hospital/medical care systems, the faith community, and McKinney Vento liaisons to name a few key partners not included in the creation of this plan. A real opportunity could have been missed and it would benefit the city to take a step back, pause, and bring partners around the table to create a comprehensive, inclusive plan for addressing the needs of persons living in this long-standing encampment and the surrounding neighborhoods. I am attaching the Seven Principles for Addressing Encampments and hope that you use the information, after you build the recommended response team, to recreate your policy. “Out of sight, out of mind” policies don’t solve homelessness—they just move it and I am here as the USICH Senior Regional Advisor to serve as the federal representative to help you create meaningful and lasting solutions.

Carver, MS

Senior Regional Advisor (Regions 1 and 2)

United States Interagency Council on Homelessness
TO: Laura Lewis, Mayor
Planning and Development Board
Common Council
Board of Zoning Appeals
Aaron Lavine, City Attorney
Victor Kessler, Assistant City Attorney
Shaniqua Lewis, Deputy City Clerk
Mike Thorne, Superintendent of Public Works
Alan Karasin, Acting Director, Public Information & Technology
City of Ithaca, Acting Director of Planning & Development
Katie Borgella, Tompkins County Commissioner of Planning and Sustainability

FROM: Lisa Nicholas, Director of Planning & Development

DATE: July 17, 2023

RE: Pilot Administrative Policy – Unsanctioned encampments on City Land

Please find attached a Draft Pilot Policy that was presented to the Planning & Economic Development Committee of Common Council at their June 21st meeting. The policy was drafted by the Working Group for Unsanctioned Encampments, whose charge is stated at the top of the document.

The Committee is seeking input on all aspects of the policy and is particularly interested in receiving feedback on the following areas (highlighted in yellow in the attached document):

1. Use of the word enforcement (alternatives are administration, implementation and response or response protocol)
2. Alternatives to the 6 -step protocol described in B(4) of the policy. Should a police response be used? If not, what other steps should be taken to achieve voluntary compliance?
3. Should the policy include amber zones? Is so, what lands should be included?

Please send comments and feedback to lnicholas@cityofithaca.org no later than August 7, 2023. The Committee will discuss comments received at their August 16, 2023, meeting.

Please find attached for your reference the following:

- The Draft Administrative Pilot Policy
- A map showing all City Property
- A map showing proposed camping limits in the southwest park of the city
- A slide deck with background information on the how and why the policy was developed as well as current and past practices of managing City property land management in the presence of encampments.

The full presentation and discussion, starting at 1:04, can be found here:
https://www.youtube.com/watch?v=_XZVo2s36lo&list=PLfplo_VA57erM5PF3a3EiyUiw91vRkOd&index=29
1. Statement of Problem

Like many communities around the nation, the City of Ithaca and Tompkins County are facing crisis levels for individuals experiencing homelessness. During the winter of 2022-23, a record number of people, up to 240 on some nights, received emergency cold-weather shelter. A growing number of unauthorized campsites on public property in the City poses safety and health concerns for people living in and around them, and create challenges related to human waste, garbage, exposure to communicable diseases, exposure to violence and other human health concerns.

2. Purpose

Manage City properties in a way that reduces negative impacts and balances competing needs of vulnerable unsheltered persons with the City’s obligation to maintain public health, safety, general welfare and protection of environmental resources consistent with the following guidelines:

- Homelessness is not a crime.
- Treat persons experiencing homelessness with respect, dignity and compassion.
- Identify City property where camping is temporarily allowed in recognition of a lack of practical access to shelter and housing for every person experiencing homelessness.
- Identify City property where camping is most inappropriate.
• Ensure that any necessary relocation intervention is accompanied by an option for shelter, housing, and/or a relocation site.
• Maximize use of interventions seeking voluntary compliance with the policy and minimize police interaction with persons experiencing unsheltered homelessness.

3. Classification of City Properties

City properties are classified along a spectrum of properties where camping is temporarily allowed, due to the lack of shelter options for each person who is experiencing unsheltered homelessness, to where camping is strictly prohibited as follows:

A. **Green Zone – Camping Temporarily Allowed**
Lands classified in the Green Zone are areas where camping by persons experiencing homelessness is temporarily allowed. The City will provide basic hygiene and sanitation services on a trial basis at a Green Zone area.

The following City property is classified in the Green Zone:
• Area behind Walmart and Lowes – The 66-acre City-owned parcel formerly known as Southwest Park (comprised of tax parcels #100.-3-1 and #119.-1-2), excluding areas of active or imminent use by the Department of Public Works (DPW) such as for material storage, active spoils disposal, and the dewatering facility and any other fenced off area.

B. **Amber Zone – Camping Prohibited but Lower Priority for Enforcement**
Lands classified in the Amber Zone prohibit camping but enforcement is triggered by specific negative impacts of particular campsites rather than mere presence of a campsite in an area classified in an Amber Zone.

The following City property is classified in the Amber Zone:
• All City property not classified in either the Green or Red zones.

C. **Red Zone – No Camping Area**
Lands classified in the Red Zone are areas where camping is strictly prohibited. The City will prioritize land management and enforcement resources to keep lands in Red Zones free from encampments.

The following City property is classified in the Red Zone:
• Area between Cecil A. Malone Drive and Taber Street – The 4.3 acre, City-owned 119 Brindley Street parcel (tax parcel #73.-8-1);
• Any areas under active City use for public or municipal functions including but not limited to parks, road rights-of-way, sidewalks and adjacent tree lawns, multi-use trail corridors, The Commons, and public parking
See the attached color-coded map of selected City-owned properties.

4. Intervention Framework

Approaches to City intervention and enforcement will differ by zone as follows:

A. Green Zone – The City will provide basic hygiene and sanitation services on a trial basis at the Green Zone to support the needs of persons experiencing homelessness. Law enforcement is instructed to take a non-involvement approach with respect to enforcing the citywide prohibition on camping in the Green Zone unless an emergency response is warranted. Law enforcement shall respond and investigate alleged crimes committed at encampments consistent with laws and policies that govern other criminal investigations, irrespective of location or whether the victim or suspect is sheltered or unsheltered.

B. Amber Zone – While camping is not allowed in the amber zone, enforcement of the prohibition is only prioritized when triggered by negative impacts of a particular campsite to the public health and safety, general welfare and protection of the environment. City Intervention shall be considered based on the cumulative impact of one or more of the following factors:
   - quantities of garbage, debris, salvage materials, or waste
   - presence of vermin or biological vector hazards and evidence of infestation
   - presence of a bonfire or uncontrolled fires
   - presence of hard wall structures
   - verified reports or observable evidence of violence or criminal activity other than camping
   - complaints from neighbors
   - restriction of authorized construction or maintenance activities
   - damage to the natural environment, including cutting down of trees

Encampments in the Amber Zone that remain civil, safe and sanitary will not be prioritized for enforcement. Voluntary efforts to relocate and/or mitigate negative impacts are encouraged before other enforcement methods are deployed.

C. Red Zone – City interventions and enforcement resources are prioritized to keep the Red Zone free of encampments. City interventions on lands in the Red Zone may include erection of fencing, vegetation clearing and mowing and conversion to inclusive public spaces for use by all persons, including those experiencing homelessness.

5. Response Due to Emergency or Hazards

The City reserves the right to seek immediate closure and/or removal of any campsite on City property in the event of an emergency or hazard condition.
6. Enforcement

A. **Enforcement** Prioritization - **Enforcement** to relocate noncompliant campsites is prioritized in the following rank order:
   1. Emergency condition and obstruction campsites
   2. Campsites in Red Zones
   3. Campsites in Amber Zones

B. **Enforcement** Protocol –

   1. General - The preferred approach to enforcement is for outreach workers to visit the unauthorized encampment and successfully convince the camper to voluntarily relocate to housing, shelter or an authorized camping location without any involvement by City staff or law enforcement personnel. Failing that, the general approach to enforce this policy is to repeatedly seek voluntary compliance prior to consideration of escalated enforcement mechanisms. In no case is a physical “sweep” of encampments authorized by this policy.

   2. Shared Encampment Incident Database – The City shall establish a database tracking unauthorized encampments and steps taken to bring the campsite into compliance. The database shall be shared with the Continuum of Care, the Enhanced Street Outreach Team (ESOT), the Tompkins County Homeless Services Coordinator, Ithaca Fire Department, Ithaca Police Departments, and other appropriate parties, and shall maintained by the City of Ithaca Homeless Coordinator.

   3. Initial Incident Report - A wide variety of different persons may observe or receive notice of a campsite not in compliance with this policy. The initial incident shall be logged into the shared database or reported to the City of Ithaca Homeless Coordinator for logging. A member of the ESOT, who is funded in whole or part by the City or County, is contacted by the City to request they act as an agent for the City to make a site visit(s) to (a) inform the camper of this City policy, (b) determine compliance with this policy and (c) provide the camper with information how to gain shelter, housing, or identify an alternate location where camping is allowed. The contact should be logged into the shared database with relevant information. ESOT members are encouraged to make site visits as a team of two persons.

   4. **Enforcement** Protocol - In a case where a campsite is located within a Red Zone that is also actively managed by dedicated City staff, such as parks, managed natural areas, public buildings, or public parking facilities, City staff may make the initial site visit and may request removal of the campsite. In such cases, a “no camping” notice shall be prominently posted at the campsite by City staff requiring removal of the campsite within a reasonable specified amount of time to be posted on the signage,
but in no case less than 24 hours. Additionally, the City facility manager shall log the incident in the shared encampment incident database.

In all other cases, unless there is an Emergency Condition or Obstruction, enforcement shall include the following minimum week-by-week steps to seek compliance:
(a) First Site Visit – provide the person with a brief summary of the City policy including the location where camping is allowed and verbally request to bring the camp into compliance.
(b) Second Site Visit – if the person fails to comply with the first verbal request, provide a second verbal notice of noncompliance and request compliance. If the person is not available at the site, post a “no camping” sign at the site that no camping is allowed and the camp is in violation of city policy.
(c) Third Site Visit – if the person continues to fail to comply, inform the person that failure to comply will lead to repeated visits to seek compliance and may lead to involvement of police. Repost the “no camping” sign if it does not remain visible at the site.
(d) Police Verbal Notice – officer verbally notifies the person they are in violation of the encampment policy and must comply by removing the campsite.
(e) Police Written Notice – officer issues a written notice to the person they are violation of the city policy and trespassing on City property in violation of the city encampment policy and must comply or possibly face a charge.
(f) Police Citation – officer issues a citation to enforce the policy. No issuance of a citation shall occur unless verbal and written notices have been delivered to the person.

Each step of the process shall be logged into the shared encampment incidents database.

The preferred people to conduct site visits are teams of outreach workers. If they are unable or unwilling to make site visits, the City’s Homeless Outreach Coordinator, or their designee, in conjunction with another City or County employee familiar with the site in question, is authorized to conduct site visits if they feel safe making the site visit. If the Homeless Outreach Coordinator is also unavailable, a member of the Ithaca Police Department may be requested to conduct site visits.

7. Coordination with other Municipalities
The City shall work in close coordination with Tompkins County and adjacent municipalities in administration and implementation of this pilot policy and explore collaborative approaches to reduce unsheltered homelessness.

8. Evaluation
The City shall regularly review of this pilot policy for revision and improvement, including review of the adequacy of the size of the Green Zone to safely accommodate those people lacking access to shelter.

9. Definitions

**Campsite/Encampment:** one or more tent, lean-to, structure, tarpaulin, pallet, or makeshift structure used for purposes of habitation or active occupation located in an identifiable area within the City of Ithaca. Habitation is evidenced by the presence of bedding materials, campfires, cooking materials, storage of clothing and other personal belongings or items, gathered in a manner where it appears to a reasonable person that the site is being used for habitation or active occupation purposes. Campsites do not include sites a reasonable person would conclude are no longer in use, because any remaining materials are garbage, debris, or waste.

**Citation:** a police-issued order to appear in court and answer an alleged violation charge. Issuance of a citation is an alternative to an arrest and does not require an individual to be booked, fingerprinted or risk detention. A less formal term for a citation is an “appearance ticket.”

**Enhanced Street Outreach Team (ESOT):** a coalition of approximately 15-20 professionals and volunteers who work in a coordinated fashion to address the needs of unsheltered and vulnerable persons in Tompkins County by building trusting relationships and providing access to resources and services to meet basis needs. The ESOT is administratively supported by the Continuum of Care and includes members from a variety of community-based organizations and government. Members of the outreach team are trained professionals with years of experience working with people experiencing homelessness. The ESOT is not an enforcement entity.

**Emergency Condition:** a campsite where people camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements, or their presence creates a risk of serious injury or death to others, or damage to neighboring property. Immediate hazard campsites include but are not limited to areas where site conditions present an immediate threat to public health or the environment and/or the lack of sanitation facilities results in human solid or liquid waste being discharged therein.

**Obstruction:** people, tents, makeshift structures, personal property, debris and other objects related to a campsite that interfere with ADA access or a public right-of-way; or interfere with areas that are necessary or essential to the intended use or maintenance of a public property or a public facility.
GREEN: Camping allowed in areas not currently in use for a public purpose such as the dewatering facility, materials storage and placement, utility easements, access roads, etc.

RED: No Camping
Also includes the following:
- City parks, sidewalks, and parking lots
- All or any portion of a City-owned parcel currently in use or a public purpose (e.g. storage areas, public works facilities, etc.).

Legend
- Proposed Camping Limits
- City Property
  - Camping Allowed
  - Camping Prohibited
  - Classification for Discussion
  - Other City Lands
  - Waterway
- Road
- City Boundary

NY State Plane, Central GRS 80 Datum
Data Source: Tompkins County, City of Ithaca, 2023
Map Prepared by: GIS Program, City of Ithaca, NY, 16 June 2023

Esri Community Maps Contributors, County of Tompkins, data.pa.gov. © OpenStreetMap, Microsoft, Esri, HERE, Garmin, GeoEye, EarthStar Geographics, Inc, METI/USGS, USGS, AEX, NPS, USDA

Legend:
- Proposed Camping Limits
- City Property
  - Camping Allowed
  - Camping Prohibited
  - Classification for Discussion
  - Other City Lands
  - Waterway
- Road
- City Boundary

---DRAFT---
Pilot Administrative Policy - Unsanctioned Encampments on City Property

Prepared by the Working Group for Unsanctioned Encampments for the Planning & Economic Development Committee

June 21, 2023
Working Group Charge:

Develop a draft City policy regarding unsanctioned encampments on City-owned property, including a recommended methodology for policy enforcement given competing demands for limited City resources and a desire not to criminalize homelessness.

Evaluate and recommend if any City lands currently used for unsanctioned encampments should be repurposed for other public use or more active management.

Following adoption of a City policy regarding unsanctioned encampments on City-owned property, the working group will recommend an appropriate City role and actions to assist unsheltered persons experiencing homelessness transition to shelter and stable housing.

Working Group Members

Cynthia Brock, 1st Ward Alderperson  
Jorge Defendini, 4th Ward Alderperson  
George McGonigal, 1st Ward Alderperson  
Nels Bohn- Director, Ithaca Urban Renewal Agency

Deb Mohlenhoff, Chief of Staff  
Lisa Nicholas, Director of Planning & Development  
Mike Thorne, Superintendent of Public Works
Resources Used in Drafting this Policy

- City Departments
  - Police
  - Fire
  - DPW
  - Legal
  - Planning & Building
- County Staff & Elected Officials
  - Outreach Workers
  - New Homeless Outreach Coordinator
  - Planning & Sustainability
- Town of Ithaca Staff & Elected Officials
- Service providers:
  - Expanded Street Outreach Team (ESOT)
  - Continuum of Care
  - St Johns Community Services

Research & Learning
- Denver, CO: Denver Public Health and Environment, Regulating Homeless Encampments in Denver
- Burlington, VT: Draft Operational Policies for Camping Enforcement
- Oakland, CA: Encampment Management Policy
- Portland, ME: Enforcement and Removal Policies and Procedures Relating to Unauthorized Campsites on City Properties
- Portland, OR: Campsite Removal & Storage Policy
- U.S. Interagency Council on Homelessness: Emerging Principles for Encampment Resolution and Their Effectiveness
- Martin v Boise
City actions to address homelessness and the needs of unsheltered persons

Receipt of $1.2 Million Home ARP Allocation to support a housing surge and prevent a return to homelessness for vulnerable individuals.

Creation of a homeless outreach coordinator funded in the 2023 budget (position in development)

Allocation of $100,000 in the 2023 Budget to address homelessness

May 2023 Council Endorsement of the Continuum of Care’s Home Together: Tompkins plan

Collaboration with and support of agencies seeking to develop permanent supportive housing

Annual contribution to the Community Housing Development Fund that provides financial support for the creation of permanently affordable housing
Why does the City need a land management policy regarding encampments?

Recognizing that camping on public land is a last resort for those experiencing homelessness, this policy establishes guidance to better manage this use of city property by providing:

- Clear expectations for campers, outreach workers, staff, etc.
- Consistent and coordinated actions across City Departments
- System of communication and tracking to evaluate future actions
- Protocol for humane relocation, when needed
- Support for the reprogramming of land for public use when desirable or needed
- Protection and natural and water resources
- Guidance tool for the future City Manager
- Pilot for providing basic hygiene facilities
Current and historic approaches to managing public land used for camping:

- Case-by-case approach
- Roads built and trees cleared to facilitate emergency access (SW & Brindley Street)
- Seasonal cleaning of abandoned campsites (requires tree cutting specialize removal due to type and amount of debris)
Current and historic approaches to managing conflicts between camping and public use or welfare:

Parks: long standing process outlined in policy (prevents establishment of encampments)

Southwest & other properties
- No consistent response or case-by-case approach with no clear internal communication or process
- Relocation for dewatering site (needed for dredging)
- Relocation for the sale of Cherry Street
Current and historic approaches to providing emergency response and assistance

- Emergency response for fire, medical emergencies, crime, etc
- Outreach worker program- Aimed at meeting basic needs
City-Owned Properties
Green Zone – Camping Temporarily Allowed
Camping by persons experiencing homelessness is temporarily allowed.

Red Zone – No Camping Area
Camping is strictly prohibited.

Amber Zone – Camping Prohibited, Lower Priority for Enforcement
Pilot Policy Overview - Intervention Framework

Green Zone
- Pilot basic hygiene and sanitation services
- Camping prohibition will not be enforced for persons experiencing homelessness without access to shelter or housing
- Law enforcement to take a non-involvement approach to camping unless an emergency response is warranted.
- Law enforcement shall respond and investigate alleged crimes consistent with laws and policies that govern other criminal investigations

Red Zone
- Priority to keep free of encampments.
- Campers located in the Red Zone are most likely to encounter interactions with City staff requesting campsite relocation on a recurring basis.
- Interventions may include physical barriers and potential reprogramming of land use

Amber Zone
- Consideration of City Intervention or enforcement shall be based on the cumulative impact of multiple factors
- Encampments that remain civil, safe, and sanitary will not be prioritized for enforcement.
- Voluntary efforts to relocate and/or mitigate negative impacts are encouraged before other enforcement methods are deployed.

The City reserves the right to seek immediate closure and/or removal of any campsite on City property in the event of an emergency or hazard condition.
**Pilot Policy Overview - Enforcement**

**Prioritization:**
1. Emergency condition or obstruction
2. Campsites in Red Zones
3. Campsites in Amber Zones

Create a Shared Encampment Incident Database and Incident report system

**Enforcement protocol**
- **Camping in actively managed Red Zones:** City staff makes initial contact
- **All other cases Expect Emergencies or Obstructions:**
  - Site Visit By City Staff #1
  - Site Visit By City Staff #2
  - Site Visit By City Staff #3
  - Police verbal notice
  - Police written notice
  - Police citation issued

*Policy does not authorize police sweeps*
Pilot Policy Discussion Points

Should additional lands be added to red or amber zones?
Pilot Policy Discussion Points

Is there general agreement with the enforcement protocol?

Should any change be made before circulation?
Next Steps

Hold public hearing in July or August

Circulate for comments - with or without changes
City of Ithaca
Planning and Economic Development Committee Meeting
June 21, 2023
Draft Minutes

Committee Members Attending: Rob Gearhart, Chair; Alderpersons Cynthia Brock, Phoebe Brown, and Tiffany Kumar, and Ducson Nguyen

Committee Members Absent: None

Other Elected Officials Attending: Mayor Laura Lewis
Alderperson Jorge DeFendini

Staff Attending: Lisa Nicholas, Director, Planning and Development Department; Megan Wilson, Deputy Director; Planning and Development; and Deborah Grunder, Executive Assistant

Others Attending: Chief of Staff Deb Mohlenhoff, Superintendent of Public Works Michael Thorne

1) Call to Order/Agenda Review

Chair Gearhart read the emergency evacuation procedures and then called the meeting to order at 6:04 p.m. There were no changes to the agenda.

The May PEDC Minutes will not be voted on at this meeting. They will be presented again at July’s meeting.

2) Public Comment/Written Comments

Theresa Alt, Eddy Street, spoke on unsanctioned encampments. Suggest changing the colors on the maps. She also stated to end CIITAP. Allow the program for housing only.

Zach Winn, 229 S. Geneva Street, spoke on unsanctioned encampments. More people will enter Ithaca to camp because it’s being allowed.

Response to public speakers:

Alderperson Brock thanked Theresa Alt for speaking to which she agrees that CIITAP should be abolished. For clarification, there are no campers currently in the “red” zone,

Alderperson Brown also thanked Theresa Alt. She always learns something from you.
3) Special Order of Business

  a) Public Hearing – Proposed Amendment to Off-Street Parking Requirements in Select B Zones

  Alderperson Brock moved to open the public hearing; Alderperson Kumar seconded the motion. Carried 5-0.

  Avi Smith, Argos Inn, spoke in favor of this proposed zoning amendment.

  Alderperson Kumar moved to close the public hearing; Alderperson Nguyen seconded the motion. Carried 5-0.

  b) Public Hearing – Proposed Amendments to Off-Street Parking Requirements in B-2b Zones

  Alderperson Kumar moved to open the public hearing; Alderperson Nguyen seconded the motion. Carried 5-0.

  No one from the public was present to speak.

  Alderperson Kumar moved to close the public hearing; Alderperson Nguyen seconded the motion. Carried 5-0.

4) Announcements, Updates, Reports

  a) CCA Overview and Schedule – A Presentation

  Rebecca Evans, Acting Sustainability Director, provided a presentation on Community Choice Aggregation. That presentation is included with these minutes.

  In July, it is expected that this will come back for a request to circulate, return to PEDC in August with a vote to Council in September.

  Alderperson Brock thanked Rebecca for her presentation. The one important component is the delivery of electricity. Electricity will be coming in and going out. There will be a lot of congestion. This is not usually done this way.

  Evans stated the NYSEG is on board with this program. They have made improvements to the grid and its storage.

  Alderperson Brown thanked both Alderperson Brock and Rebecca Evans. She stated that explanations need to be given clearly so that the typical layperson can understand.
5) Action Items (Voting to Send to Council)

a) B-Zone Amendments

An Ordinance to Amend The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend the Off-Street Parking Requirements in the B-1a, B-4, and B-5 Zoning Districts - Declaration of Lead Agency

Moved by Alderperson Gearhart; seconded by Alderperson Nguyen. Carried 5-0.

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, the proposed zoning amendment is an “Unlisted” Action pursuant to the City Environmental Quality Review (CEQR) Ordinance, which requires environmental review under CEQR; now, therefore, be it

RESOLVED, that the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the proposal to amending the Municipal Code of the City of Ithaca, Chapter 325, Entitled “Zoning,” to amend the off-street parking requirements in the B-1a, B-4, and B-5 zoning districts.

An Ordinance to Amend The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend the Off-Street Parking Requirements in the B-1a, B-4, and B-5 Zoning Districts - Declaration of Environmental Significance

Moved by Alderperson Gearhart; seconded by Alderperson Nguyen. Carried 5-0.

WHEREAS, The Common Council is considering a proposal to amend the Municipal Code of the City Of Ithaca, Chapter 325, Entitled “Zoning,” to amend the off-street parking requirements in the B-1a, B-4, and B-5 zoning districts, and

WHEREAS, the appropriate environmental review has been conducted, including the preparation of a Short Environmental Assessment Form (SEAF), dated May 30, 2023, and

WHEREAS, the proposed action is an “Unlisted” Action under the City Environmental Quality Review Ordinance, and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the SEAF prepared by planning staff; now, therefore, be it
RESOLVED, that this Common Council, as lead agency in this matter, hereby adopts as its own the findings and conclusions more fully set forth on the Full Environmental Assessment Form, dated May 30, 2023, and be it further

RESOLVED, that this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary, and be it further

RESOLVED, that this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.

An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend the Off-Street Parking Requirements in the B-1a, B-4, and B-5 Zoning Districts

ORDINANCE NO.

Moved by Alderperson Nguyen; seconded by Alderperson Kumar. Carried 5-0.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council that Chapter 325, Zoning, of the City Municipal Code be amended as follows:

Section 1.
Chapter 325-8, District Regulations, is hereby amended to removal all minimum off-street parking requirements in the B-1a, B-4, and B-5 zoning districts.

Section 2.
The City Planning and Development Board, the City Clerk and the Planning Department shall amend the district regulations chart in accordance with the amendments made herewith.

Section 3.
Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 4.
Effective Date. This Ordinance shall take effect immediately and in accordance with law after publication of notice as provided in the Ithaca City Charter.

Conversation:

Many landowners have stated that there is not an off-street parking requirement. A review of this suggestion found that it
will have no significant county-wide or inter-community impact as was also stated by the Tompkins County Planning and Sustainability.

An Ordinance to Amend The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend the Zoning District Boundaries of the Mixed Use 2 (MU-2) District – Declaration of Lead Agency

Moved by Alderperson Gearhart; seconded by Alderperson Brock. Carried 5-0.

WHEREAS, State Law and Section 176-6 of the City Code require that a lead agency be established for conducting environmental review of projects in accordance with local and state environmental law, and

WHEREAS, State Law specifies that, for actions governed by local environmental review, the lead agency shall be that local agency which has primary responsibility for approving and funding or carrying out the action, and

WHEREAS, the proposed zoning amendment is an “Unlisted” Action pursuant to the City Environmental Quality Review (CEQR) Ordinance, which requires environmental review under CEQR; now, therefore, be it

RESOLVED, that the Common Council of the City of Ithaca does hereby declare itself lead agency for the environmental review of the proposal to amending the Municipal Code of the City of Ithaca, Chapter 325, Entitled “Zoning,” to amend the zoning district boundaries of the Mixed Use 2 (MU-2) District.

An Ordinance to Amend The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend the Zoning District Boundaries of the Mixed Use 2 (MU-2) District – Declaration of Environmental Significance

Moved by Alderperson Gearhart; seconded by Alderperson Brock. Carried 5-0.

WHEREAS, The Common Council is considering a proposal to amend the Municipal Code of the City Of Ithaca, Chapter 325, Entitled “Zoning,” to amend the zoning district boundaries of the Mixed Use 2 (MU-2) District, and

WHEREAS, the appropriate environmental review has been conducted, including the preparation of a Short Environmental Assessment Form (SEAF), dated May 30, 2023, and

WHEREAS, the proposed action is an “Unlisted” Action under the City Environmental Quality Review Ordinance, and

WHEREAS, the Common Council of the City of Ithaca, acting as lead agency, has reviewed the SEAF prepared by planning staff; now, therefore, be it

RESOLVED, that this Common Council, as lead agency in this matter, hereby adopts as its own the findings and
conclusions more fully set forth on the Full Environmental Assessment Form, dated May 30, 2023, and be it further

RESOLVED, that this Common Council, as lead agency in this matter, hereby determines that the proposed action at issue will not have a significant effect on the environment, and that further environmental review is unnecessary, and be it further

RESOLVED, that this resolution constitutes notice of this negative declaration and that the City Clerk is hereby directed to file a copy of the same, together with any attachments, in the City Clerk’s Office, and forward the same to any other parties as required by law.

An Ordinance Amending The Municipal Code Of The City Of Ithaca, Chapter 325, Entitled “Zoning” To Amend the Zoning District Boundaries of the Mixed Use 2 (MU-2) District

ORDINANCE NO.

Moved by Alderperson Gearhart; seconded by Alderperson Kumar. Carried 5-0.

BE IT ORDAINED AND ENACTED by the City of Ithaca Common Council that Chapter 325, Zoning, of the City Municipal Code be amended as follows:

Section 1.
The Official Zoning Map of the City of Ithaca is hereby amended to change the designation from B-2b to MU-2 for the following tax parcels: 63.-8-11, 63.-8-12, 63.-8-13, and 63.-8-14. The boundaries are shown on the attached map entitled “Proposed Mixed Use 2 (MU-2) Zoning Amendment,” dated May 30, 2023.

Section 2.
The City Planning and Development Board, the City Clerk and the Planning Department shall amend the official zoning map in accordance with the amendments made herewith.

Section 3.
Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 4.
Effective Date. This Ordinance shall take effect immediately and in accordance with law after publication of notice as provided in the Ithaca City Charter.
6) Discussion Items & Request to Circulate

a) Draft Unsanctioned Encampments Policy – Presentation

Lisa Nicholas, Director, Planning and Development, presented a slide show on what the City is doing and why. This policy is land use policy not homelessness driven. A copy of the presentation is attached to these minutes.

Alderperson DeFendini thanked Nicholas for her presentation and the entire working group for time and effort that has been put into this.

Alderperson Brock asked if the policy makes clear where camping is allowed, is this enough to move this policy forward?

Alderperson Brown thanked the group for all their work on this. She further stated that she likes the idea of this being a pilot policy.

Alderperson Nguyen reiterated the others’ comments. He too likes the idea of using the pilot policy focus. The use of outreach workers is key in handling the campers. We need to coordinate with the County. Hiring a homeless coordinator position will be a great addition.

Alderperson Brown questioned why the verbal, written, and citation notices are presented by the police and not an outreach coordinator? This makes it criminalized.

Alderperson Nguyen further asked whether issuing citations will be effective.

Alderperson Brock did point out that we as a City have tried not make these encampments as criminal. We are doing all we can to avoid any police interaction. If we want this policy to be run by outreach workers, the City must hire our own outreach workers.

Alderperson DeFendini voiced that he agrees with Alderperson Nguyen that issuing citations will not work.

Director Nichols thanked everyone for their comments. She made it clear red zones do not currently have encampments on them.

The discussion switched to the use of additional lands to be added to red or amber zones.

A future decision would be to act on the use of the Black Diamond Trail as a red zone.

Alderperson Brock stated we should deter Floral Avenue as an amber zone due to the proximity of family homes.

Alderperson Brock stated the end Cherry Street is not zoned for housing use. It being too close to the railroad makes it unattractive for living.

Alderperson Brown stated that maybe we should create a
"temporary" yellow zone for individual steps as they grow out of homelessness.

Alderperson DeFendini stated we want the best quality of life for each individual and should have a very good focus when trying to decrease the number of homeless individuals.

**Pilot Policy Discussion Points:**

Is there general agreement with the enforcement protocol?

Alderperson Nguyen stated to not involve police initially.

Alderperson DeFendini agreed with not involving police until much later if at all. Anxiety increases in the presence of law enforcement.

Alderperson Brown stated she would like the campers to be approached with community outreach workers. These workers are known to the community.

Alderperson Brock is not comfortable adding any more colored zones such as the yellow zone that was suggested.

Director Nicholas asked whether the police inclusion be removed before circulated or circulated as written?

Alderperson Nguyen votes to circulate without the police inclusion.

Alderperson Kumar would also like to circulate without the last three steps. She further stated that it will take more than three attempts to vacate the premises.

Alderperson Brown stated that many other words could be used instead of the word enforcement. Our presentation is crucial to get our thoughts across.

Michael Thorne thanked Alderperson Brock for mentioning the gorge rangers. There needs to be an action, maybe not by the police but by someone in authority.

Alderperson Brown that this camping has been happening for a long time now. Why the urgency for this policy?

Michael Thorne stated that camping has reached a high volume. The camps can be very unsafe and dangerous. The City needs to take some control.

Alderperson Brock stated that although this is a land use policy, we need to recognize that law enforcement and outreach workers work hand-and-hand.

Alderperson Brock moved to circulate as written highlighting areas that are concerning and need help identifying these particular issues; seconded by Alderperson Brown.
7) Review and Approval of Minutes

   a) April 2023

      Moved by Alderperson Brock; seconded by Alderperson Kumar. Passed unanimously.

      May 2023 Minutes will be brought back next month. They were incomplete.

8) Adjournment

   Alderperson Brown moved to adjourn the meeting; seconded by Alderperson Brock. The meeting adjourned at 9:45 p.m.
"THE POWER OF COMMUNITY"

Tompkins Green Energy Network
What Is
Community Choice Aggregation?

**ELECTRICITY**
CCA procures clean energy sources

**DELIVERY**
Investor-owned utility delivers energy and maintains the grid

**CUSTOMER**
Gets cleaner energy, local control and competitive rates
Ithaca CCA
Progress & Timeline

6/22 Initial contract with Local Power
DPS announces changes coming to CCA regulations
1/23 Council adopts CCA-enabling Local Law
5/23 DPS releases final CCA regulations
CCA Implementation Plan
7/23 Circulation & public comment
8/23 Administrator RFP & contract
9/23 ESCO RFP
7-10/23 Public outreach
1/24 Council approval of ESCO contract
6/24 Customer enrollment

5/24 Opt-out notification

10/22 Council adopts CCA-enabling Local Law
6/23 CCA Implementation Plan
8/23 PEDC
9/23 Common Council
5/23 DPS releases final CCA regulations
8/23 Administrator RFP & contract
9/23 ESCO RFP
1/24 Council approval of ESCO contract
6/24 Customer enrollment

5/24 Opt-out notification
Tompkins Green Energy Network & Distributed Energy Resources (DERs)

DERs are local renewable energy or decarbonization resources that help us reach our carbon neutrality goal.

T-GEN facilitates customer **voluntary investment** in DERs.

**Owner & Co-Owner (Opt-Up)**
Equity-maintained ownership and operation of DERs.

**User or Offtaker (Opt-With)**
Groups purchasing locally-generated energy or products.
What to Expect in the Implementation Plan

- **DER Plan**: Detailed description of the DER program and processes.
- **Regulatory Plan**: Schedule of engagement plans with DPS & ESCOs.
- **Community Plan**: Plan for community engagement and education outreach.
- **Party Responsibilities**: Responsibilities for the CCA Administrator and municipalities.
"THE POWER OF COMMUNITY"
# IGND Key Terms

<table>
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<tr>
<th>Term</th>
<th>Definition</th>
<th>Program Tags</th>
</tr>
</thead>
<tbody>
<tr>
<td>🌍 Carbon Neutrality</td>
<td>The balance of emitting and capturing or eliminating carbon to reach net-zero emissions.</td>
<td>All IGND</td>
</tr>
<tr>
<td>☀️ Circular Economy</td>
<td>A regenerative economic model that shifts production from linear, single-use to circular reuse. The model aims to eliminate waste and treats resources as finite.</td>
<td>Buildings, Waste</td>
</tr>
<tr>
<td>⚖️ Climate Justice</td>
<td>The acknowledgement that climate change disproportionately impacts people of different demographic and socioeconomic groups, and the redirection of climate action benefits toward these groups.</td>
<td>All IGND</td>
</tr>
<tr>
<td>⚛️ CO2e</td>
<td>Carbon Dioxide equivalents, a metric used to represent carbon dioxide and other greenhouse gases. Each individual gas is standardized to the impact of one ton of carbon dioxide using what is referred to as its global warming potential (GWP).</td>
<td>All IGND</td>
</tr>
<tr>
<td>🗽 Community Choice Aggregation (CCA)</td>
<td>Programs that enable local governments to procure power on behalf of residents, businesses, and municipal accounts while still receiving transmission and distribution services from the existing utility provider.</td>
<td>CCA</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
<td>Program Tags</td>
</tr>
<tr>
<td>------</td>
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<td>--------------</td>
</tr>
<tr>
<td><strong>🔌 Department of Public Service (DPS)</strong></td>
<td>The state department tasked with ensuring access to safe, reliable, and affordable utility service.</td>
<td>CCA, Renewables</td>
</tr>
<tr>
<td><strong>☀️ Distributed Energy Resources (DERs)</strong></td>
<td>Small-scale electricity supply or demand resources that may or may not be connected to the electric grid.</td>
<td>CCA, Renewables</td>
</tr>
<tr>
<td><strong>⚡ Electrification &amp; Decarbonization</strong></td>
<td>The removal and replacement of fossil fuel systems with electric alternatives.</td>
<td>Buildings, Transportation</td>
</tr>
<tr>
<td><strong>📖 Energy Democracy</strong></td>
<td>The restoration of power for communities to decide how to govern, share, and use energy. Energy democracy seeks to resist utility monopolies.</td>
<td>CCA, Renewables</td>
</tr>
<tr>
<td><strong>💡 Energy Efficiency</strong></td>
<td>Using less energy to achieve the same tasks.</td>
<td>Buildings</td>
</tr>
<tr>
<td><strong>🗑️ Energy Intensity</strong></td>
<td>A way of measuring energy efficiency across an entire economy.</td>
<td>Buildings, Transportation</td>
</tr>
<tr>
<td><strong>🌡️ GHGs</strong></td>
<td>Greenhouse gases, or atmospheric gases most responsible for trapping the Earth's heat and the leading cause of climate change.</td>
<td>All IGND</td>
</tr>
<tr>
<td>** микро- Transit**</td>
<td>Small-scale, on-demand transportation systems that do not have fixed routes and service low-trafficked or off-peak-need areas. Services are flexible, efficient, inclusive, and cost-effective.</td>
<td>Transportation</td>
</tr>
<tr>
<td><strong>⚡️ Nanogrids &amp; Microgrids</strong></td>
<td>Groups of interconnected distributed energy resources that act as a single local, controllable electrical grid.</td>
<td>Buildings, CCA, Renewables, Transportation</td>
</tr>
<tr>
<td><strong>👩‍⚖️ Public Service Commission (PSC)</strong></td>
<td>Members appointed by the governor to regulate electric, gas, steam, telecommunications, and water utilities across NY State.</td>
<td>CCA, Renewables</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
<td>Program Tags</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Tompkins Green Energy Network (T-GEN)</td>
<td>Ithaca’s CCA program.</td>
<td>CCA</td>
</tr>
<tr>
<td>🚗 V2B, V2G, V2X</td>
<td>Acronyms representing Vehicle-to-building, grid, or everything. V2X technology allows you to leverage the battery in electric vehicles to support buildings and the grid when additional power is needed most.</td>
<td>Buildings, Transportation</td>
</tr>
</tbody>
</table>
To: Planning & Economic Development Committee  
From: Lisa Nicholas, Director of Planning & Development on Behalf of the Working Group for Unsanctioned Encampments.  
Date: June 16, 2023  
Re: Draft Pilot Administrative Policy - Unsanctioned Encampments on City Property  

At the June 23rd PEDC meeting, members of the Working Group for Unsanctioned Encampments will present the final draft of the attached Pilot Administrative Policy - Unsanctioned Encampments on City Property, ask for the Committee’s input on some key decision points and request that the policy be circulated for comments.

The working group developed this policy to address one aspect of their charge, namely, “to develop a draft City policy regarding unsanctioned encampments on City-owned property, including a recommended methodology for policy enforcement given competing demands for limited City resources and a desire not to criminalize homelessness”.

Although it is not within the jurisdiction of the city to provide social services, it is taking several actions to address the needs of those experiencing unsheltered homelessness (see list below). However, that is not the primary focus of this policy. Its goal is to establish consistent guidelines when the presence of an encampment conflicts with the needed use of public land or in situations that present an imminent threat to public health, safety, general welfare, or environmental conditions. Key aims are avoiding the need for relocation to the maximum extent possible, establishing a protocol designed to achieve voluntary relocation when necessary and providing basic hygiene facilities in an area where camping is allowed. This policy is restricted to camping only. No proposed changes are suggested to emergency response for medical emergencies, fires or criminal activity.

The policy’s two main aspects work together to allow camping in areas of no conflict with public use, discourage the establishment of encampments in areas of conflict with public use, and outline a system of response and enforcement. The two main aspects of the policy are:

1. The proposed classification of city lands into three categories (see attached Draft Camping Limits Map):
   a) Green Zone: camping allowed.
   b) Red Zone: camping not allowed with enforcement.
   c) Amber Zone: camping not allowed, enforcement triggered for individual campsites in specific situations. (Note that no properties shown on the draft map are currently listed in this zone)

2. A proposed enforcement protocol that aims to achieve voluntary relocation.

Expected benefits of this policy:

- Providing clarity for campers and service providers about where camping is allowed.
- Providing a consistent and coordinated response across City Departments.
- Establishing a system of communication and tracking to evaluate future actions.
- Establishing and testing a protocol for humane relocation, when needed.
- Supporting the reprogramming of land for public use when desirable or needed.
- Piloting the provision of basic hygiene facilities in the allowed camping area.
Activities the City is currently undertaking to address the needs of those experiencing unsheltered homelessness:

- Receipt of $1.2 Million Home ARP Allocation to support a housing surge and prevent a return to homelessness for vulnerable individuals.
- Creation of a homeless outreach coordinator funded in the 2023 budget (position in development)
- Allocation of $100,000 in the 2023 Budget to address homelessness.
- May 2023 Council Endorsement of the Continuum of Care’s Home Together: Tompkins plan
- Collaboration with and support of agencies seeking to develop permanent supportive housing.
- Annual contribution to the Community Housing Development Fund that provides financial support for the creation of permanently affordable housing.

Please feel free to contact me at lnicholas@cityofithaca.org with any questions prior to the meeting.
GREEN: Camping allowed in areas not currently in use for a public purpose such as the dewatering facility, materials storage and placement, utility easements, access roads, etc.

RED: No Camping
Also includes the following:
- City parks, sidewalks, and parking lots
- All or any portion of a City-owned parcel currently in use or a public purpose (e.g. storage areas, public works facilities, etc.).
Working Group on Unsanctioned Encampments (WGUE)

**Mayoral Charge:** The working group will (1) develop a draft City policy regarding unsanctioned encampments on City-owned property, including a recommended methodology for policy enforcement given competing demands for limited City resources and a desire not to criminalize homelessness, and (2) by January 2023, evaluate and recommend if any City lands currently used for unsanctioned encampments should be repurposed for other public use or more active management. Following adoption of a City policy regarding unsanctioned encampments on City-owned property, the working group will recommend an appropriate City role and actions to assist unsheltered persons experiencing homelessness transition to shelter and stable housing.

City of Ithaca

Pilot Administrative Policy - Unsanctioned Encampments on City Property

1. **Statement of Problem**

Like many communities around the nation, the City of Ithaca and Tompkins County are facing crisis levels for individuals experiencing homelessness. During the winter of 2022-23, a record number of people, up to 240 on some nights, received emergency cold-weather shelter. A growing number of unauthorized campsites on public property in the City poses safety and health concerns for people living in and around them, and create challenges related to human waste, garbage, exposure to communicable diseases, exposure to violence and other human health concerns.

2. **Purpose**

Manage City properties in a way that reduces negative impacts and balances competing needs of vulnerable unsheltered persons with the City’s obligation to maintain public health, safety, general welfare and protection of environmental resources consistent with the following guidelines:

- Homelessness is not a crime.
- Treat persons experiencing homelessness with respect, dignity and compassion.
- Identify City property where camping is temporarily allowed in recognition of a lack of practical access to shelter and housing for every person experiencing homelessness.
- Identify City property where camping is most inappropriate.
- Ensure that any necessary relocation intervention is accompanied by an option for shelter, housing, and/or a relocation site.
• Maximize use of interventions seeking voluntary compliance with the policy and minimize police interaction with persons experiencing unsheltered homelessness.

3. Classification of City Properties

City properties are classified along a spectrum of properties where camping is temporarily allowed, due to the lack of shelter options for each person who is experiencing unsheltered homelessness, to where camping is strictly prohibited as follows:

A. **Green Zone – Camping Temporarily Allowed**
   Lands classified in the Green Zone are areas where camping by persons experiencing homelessness is temporarily allowed. The City will provide basic hygiene and sanitation services on a trial basis at a Green Zone area.

   The following City property is classified in the Green Zone:
   • Area behind Walmart and Lowes – The 66-acre City-owned parcel formerly known as Southwest Park (comprised of tax parcels #100.-3-1 and #119.-1-2), excluding areas of active or imminent use by the Department of Public Works (DPW) such as for material storage, active spoils disposal, and the dewatering facility and any other fenced off area.

B. **Amber Zone – Camping Prohibited but Lower Priority for Enforcement**
   Lands classified in the Amber Zone prohibit camping but enforcement is triggered by specific negative impacts of particular campsites rather than mere presence of a campsite in an area classified in an Amber Zone.

   The following City property is classified in the Amber Zone:
   • All City property not classified in either the Green or Red zones.

C. **Red Zone – No Camping Area**
   Lands classified in the Red Zone are areas where camping is strictly prohibited. The City will prioritize land management and enforcement resources to keep lands in Red Zones free from encampments.

   The following City property is classified in the Red Zone:
   • Area between Cecil A. Malone Drive and Taber Street – The 4.3 acre, City-owned 119 Brindley Street parcel (tax parcel #73.-8-1);
   • Any areas under active City use for public or municipal functions including but not limited to parks, road rights-of-way, sidewalks and adjacent tree lawns, multi-use trail corridors, The Commons, and public parking

See the attached color-coded map of selected City-owned properties.
4. Intervention Framework

Approaches to City intervention and enforcement will differ by zone as follows:

A. Green Zone – The City will provide basic hygiene and sanitation services on a trial basis at the Green Zone to support the needs of persons experiencing homelessness. Law enforcement is instructed to take a non-involvement approach with respect to enforcing the citywide prohibition on camping in the Green Zone unless an emergency response is warranted. Law enforcement shall respond and investigate alleged crimes committed at encampments consistent with laws and policies that govern other criminal investigations, irrespective of location or whether the victim or suspect is sheltered or unsheltered.

B. Amber Zone – While camping is not allowed in the amber zone, enforcement of the prohibition is only prioritized when triggered by negative impacts of a particular campsite to the public health and safety, general welfare and protection of the environment. City Intervention shall be considered based on the cumulative impact of one or more of the following factors:
   - quantities of garbage, debris, salvage materials, or waste
   - presence of vermin or biological vector hazards and evidence of infestation
   - presence of a bonfire or uncontrolled fires
   - presence of hard wall structures
   - verified reports or observable evidence of violence or criminal activity other than camping
   - complaints from neighbors
   - restriction of authorized construction or maintenance activities
   - damage to the natural environment, including cutting down of trees

Encampments in the Amber Zone that remain civil, safe and sanitary will not be prioritized for enforcement. Voluntary efforts to relocate and/or mitigate negative impacts are encouraged before other enforcement methods are deployed.

C. Red Zone – City interventions and enforcement resources are prioritized to keep the Red Zone free of encampments. City interventions on lands in the Red Zone may include erection of fencing, vegetation clearing and mowing and conversion to inclusive public spaces for use by all persons, including those experiencing homelessness.

5. Response Due to Emergency or Hazards

The City reserves the right to seek immediate closure and/or removal of any campsite on City property in the event of an emergency or hazard condition.
6. Enforcement

A. Enforcement Prioritization - Enforcement to relocate noncompliant campsites is prioritized in the following rank order:
   (1) Emergency condition and obstruction campsites
   (2) Campsites in Red Zones
   (3) Campsites in Amber Zones

B. Enforcement Protocol –

(1) General - The preferred approach to enforcement is for outreach workers to visit the unauthorized encampment and successfully convince the camper to voluntarily relocate to housing, shelter or an authorized camping location without any involvement by City staff or law enforcement personnel. Failing that, the general approach to enforce this policy is to repeatedly seek voluntary compliance prior to consideration of escalated enforcement mechanisms. In no case is a physical “sweep” of encampments authorized by this policy.

(2) Shared Encampment Incident Database – The City shall establish a database tracking unauthorized encampments and steps taken to bring the campsite into compliance. The database shall be shared with the Continuum of Care, the Enhanced Street Outreach Team (ESOT), the Tompkins County Homeless Services Coordinator, Ithaca Fire Department, Ithaca Police Departments, and other appropriate parties, and shall maintained by the City of Ithaca Homeless Coordinator.

(3) Initial Incident Report - A wide variety of different persons may observe or receive notice of a campsite not in compliance with this policy. The initial incident shall be logged into the shared database or reported to the City of Ithaca Homeless Coordinator for logging. A member of the ESOT, who is funded in whole or part by the City or County, is contacted by the City to request they act as an agent for the City to make a site visit(s) to (a) inform the camper of this City policy, (b) determine compliance with this policy and (c) provide the camper with information how to gain shelter, housing, or identify an alternate location where camping is allowed. The contact should be logged into the shared database with relevant information. ESOT members are encouraged to make site visits as a team of two persons.

(4) Enforcement Protocol - In a case where a campsite is located within a Red Zone that is also actively managed by dedicated City staff, such as parks, managed natural areas, public buildings, or public parking facilities, City staff may make the initial site visit and may request removal of the campsite. In such cases, a “no camping” notice shall be prominently posted at the campsite by City staff requiring removal of the campsite within a reasonable specified amount of time to be posted on the signage, but in no case less than 24 hours. Additionally, the City facility manager shall log the incident in the shared encampment incident database.
In all other cases, unless there is an Emergency Condition or Obstruction, enforcement shall include the following minimum week-by-week steps to seek compliance:

(a) First Site Visit – provide the person with a brief summary of the City policy including the location where camping is allowed and verbally request to bring the camp into compliance.

(b) Second Site Visit – if the person fails to comply with the first verbal request, provide a second verbal notice of noncompliance and request compliance. If the person is not available at the site, post a “no camping” sign at the site that no camping is allowed and the camp is in violation of city policy.

(c) Third Site Visit – if the person continues to fail to comply, inform the person that failure to comply will lead to repeated visits to seek compliance and may lead to involvement of police. Repost the “no camping” sign if it does not remain visible at the site.

(d) Police Verbal Notice – officer verbally notifies the person they are in violation of the encampment policy and must comply by removing the campsite.

(e) Police Written Notice – officer issues a written notice to the person they are violation of the city policy and trespassing on City property in violation of the city encampment policy and must comply or possibly face a charge

(f) Police Citation – officer issues a citation to enforce the policy. No issuance of a citation shall occur unless verbal and written notices have been delivered to the person.

Each step of the process shall be logged into the shared encampment incidents database.

The preferred people to conduct site visits are teams of outreach workers. If they are unable or unwilling to make site visits, the City’s Homeless Outreach Coordinator, or their designee, in conjunction with another City or County employee familiar with the site in question, is authorized to conduct site visits if they feel safe making the site visit. If the Homeless Outreach Coordinator is also unavailable, a member of the Ithaca Police Department may be requested to conduct site visits.

7. Coordination with other Municipalities
The City shall work in close coordination with Tompkins County and adjacent municipalities in administration and implementation of this pilot policy and explore collaborative approaches to reduce unsheltered homelessness.

8. Evaluation
The City shall regularly review of this pilot policy for revision and improvement, including review of the adequacy of the size of the Green Zone to safely accommodate those people lacking access to shelter.
9. Definitions

**Campsite/Encampment:** one or more tent, lean-to, structure, tarpaulin, pallet, or makeshift structure used for purposes of habitation or active occupation located in an identifiable area within the City of Ithaca. Habitation is evidenced by the presence of bedding materials, campfires, cooking materials, storage of clothing and other personal belongings or items, gathered in a manner where it appears to a reasonable person that the site is being used for habitation or active occupation purposes. Campsites do not include sites a reasonable person would conclude are no longer in use, because any remaining materials are garbage, debris, or waste.

**Citation:** a police-issued order to appear in court and answer an alleged violation charge. Issuance of a citation is an alternative to an arrest and does not require an individual to be booked, fingerprinted or risk detention. A less formal term for a citation is an “appearance ticket.”

**Enhanced Street Outreach Team (ESOT):** a coalition of approximately 15-20 professionals and volunteers who work in a coordinated fashion to address the needs of unsheltered and vulnerable persons in Tompkins County by building trusting relationships and providing access to resources and services to meet basis needs. The ESOT is administratively supported by the Continuum of Care and includes members from a variety of community-based organizations and government. Members of the outreach team are trained professionals with years of experience working with people experiencing homelessness. The ESOT is not an enforcement entity.

**Emergency Condition:** a campsite where people camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements, or their presence creates a risk of serious injury or death to others, or damage to neighboring property. Immediate hazard campsites include but are not limited to areas where site conditions present an immediate threat to public health or the environment and/or the lack of sanitation facilities results in human solid or liquid waste being discharged therein.

**Obstruction:** people, tents, makeshift structures, personal property, debris and other objects related to a campsite that interfere with ADA access or a public right-of-way; or interfere with areas that are necessary or essential to the intended use or maintenance of a public property or a public facility.